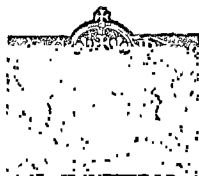


Indian Round Table Conference

(SECOND SESSION)

7th September, 1931—1st December, 1931

PROCEEDINGS

OF

FEDERAL STRUCTURE COMMITTEE

AND

MINORITIES COMMITTEE

(Volume III)

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INTRODUCTORY NOTE

Proceedings of the Second Session of the Indian Round Table Conference in Plenary Session will be published separately as a Command Paper, to which this volume is supplementary

The Introductory Note to the Command Paper explains briefly, the procedure adopted by the Conference at its Second Session

NOTE.

The following Heads for discussion were placed before the Committee by the Chairman:—

1. Strength and Composition of the Federal Legislature.
2. Questions connected with the Election of Members of the Federal Legislature.
3. Relations between the two Chambers of the Federal Legislature.
4. Distribution of Financial Resources between the Federation and its Units.
5. The Ministry and its Relations with the Legislature.
6. Distribution of Legislative Powers between the Federal and Provincial Legislatures, and Effect in the States of Legislation relating to Federal Subjects.
7. Administrative Relations between the Federal Government, the States and the Provinces.
8. The Federal Court.

It will be noted that: (*a*) the above Heads were not taken up by the Committee in numerical order; (*b*) Heads 5 and 6 were only partially discussed; (*c*) no discussion on Head 7 has yet taken place.

Detailed points for discussion in connection with each Head drafted by the Chairman. They are printed in this volume at e commencement of the proceedings under the respective Heads.

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MINORITIES COMMITTEE.

MEMORANDA.

CORRIGENDUM TO SUB COMMITTEE PROCEEDINGS VOL I (FIRST SESSION)

In the proceedings of the Seventh Meeting of the Federal Structure sub Committee dated 8th January 1931 the following should be inserted at the conclusion of Sir Akbar Hydari's speech on page 224 of the published volume —

> " *Chairman* I am sure we are all very much obliged to Sir Akbar Hydari for his speech If he will permit me to say so, I am sure I am voicing the opinion of the Committee if I use a classical expression and say that having regard t Sir Akbar's outlook and his experience he is quite the Nestor of the Conference

MINORITIES COMMITTEE

(SECOND SESSION)

The Committee was reconstituted as follows —

Mr Ramsay MacDonald (Chairman)
Mr Wedgwood Benn *
Mr Isaac Foot
Mr Arthur Henderson *
Sir Samuel Hoare *
Sir William Jowitt
The Earl Peel
The Marquess of Reading
The Lord Snell *
Major the Hon O Stanley
The Marquess of Zetland *
His Highness The Aga Khan
Sir Sayed Ali Imam *
Maulana Shaukat Ali *
Dr B R Ambedkar
Mr E C Benthall *
Mr G D Birla *
Sir Hubert Carr
Mr C Y Chintamani
The Nawab of Chhitari
Maulvi M Shafi Daoodi *
Dr S K Datta *
Mr Fazl ul Huq
Mr M K Gandhi *
Mr A H Ghuznavi
Sir Henry Gidney
Sir P Ginwala *
Khan Bahadur Hafiz Hidayat Husain
Sir M Iqbal *
Mr N M Joshi
Pandit Madan Mohan Malaviya *
Sir Provash Chunder Mitter
Dr B S Moonje
Mrs Sarojini Naidu *
Raja Narendra Nath
Rao Bahadur A T Pannir Selvam
Sir A P Patro
Diwan Bahadur M Ramachandra Rao
Mr B Shiva Rao
Sir Sayed Sultan Ahmed
Sir Muhammad Shafi
Sardar Sampuran Singh
Mr Srinivasa Sastri
Sir Chimanlal Setalvad
Sir Phiroze Sethna
Dr Shafa'at Ahmad Khan
Begum Shah Nawaz
Rao Bahadur Srinivasan
Mrs Subbarayan
Sardar Ujjal Singh
Mr Zafrullah Khan

* Denotes new members

PROCEEDINGS OF THE SEVENTH MEETING OF THE MINORITIES COMMITTEE HELD ON MONDAY, 28TH SEPTEMBER, 1931, AT 12.0 NOON.

Chairman : My friends, I should like to say first to all of you how very glad I am to see you again and to find associated with us new Delegates bringing into our counsels an extended representation and also an extended authority. I am very sorry that certain preoccupations, the existence of which you all understand, have made it impossible for me to see you personally as I should have liked before now; but with that generosity and sympathy that you showed me when we were meeting here before I am sure you will forgive what may appear to be rather a gross shortcoming on my part.

I welcome especially those of you who are here for the first time. And may I with all my heart bespeak the most hearty and the most friendly co-operation in the solution of a problem which in its nature is exceedingly difficult, but which is as important as it is difficult?

If one were to turn to any great philosophy or any great system of thought upon which could be built up a harmony between races, a harmony between conflicting thought, where could one go to find it more readily than to the great philosophies of India itself? Those philosophies where brotherhood is inculcated, where peace and harmony and co-operation are enjoined; those philosophies which look at the world not in a mere abstract way but as something essentially composed of differences, and yet essentially calling for a harmony of difference rather than a mere uniformity of thought or of action.

That is the problem which is before the Round Table Conference. We do not want to change the Hindu: we do not want to change the Muslim; we do not want to change the Sikh. We want to change none of you, with great and noble historical traditions of which you are very proud, and I hope you do not want to change us. But we do want, recognising our differences and maintaining and cherishing those differences, nevertheless to find some means by which we can find co-operation for the good of each other, and through that good for the good of the whole world. In that spirit I take the chair at this Committee.

When we met last, the problem of minorities, I candidly confess, and I am sure those of you who were with me then must also candidly confess, baffled us. We could not come to a solution of the difficulties. I took the view then that this minority difficulty should be settled by yourselves. To my mind it is a problem internal to the Indian problem, and I again appeal to you, as I appealed to you then, to agree amongst yourselves regarding the safeguards that are necessary for each of you for your existence, and to make those arrangements which will be satisfactory to all of you concerned in this matter.

Some of you were good enough, when we last met, to suggest that in the end the Government or some of us should arbitrate when you failed to agree. I think, my friends, that is a most unsatisfactory solution of the difficulty. Any arbitration would probably be unac-

ceptable to you all, it would meet the needs or the desires of none of you And imagine the fate of the poor arbitiator when you go home to India and you begin to explain the work that has been done and the arrangements that have been come to by this Conference I have often been a scapegoat in my life, and I am willing to be a scapegoat again if it is good and if it is necessary, but I think you yourselves in this respect, if I might say so, should become your own scapegoats and take upon your own shoulders the responsibility of the solution of this very difficult and intricate problem If you are responsible for an agreement, you will work it out, you must work it out, you will have to work it out, because you will have nobody to blame for it except yourselves If somebody else offers a solution and imposes it upon you, you will not have upon you that same obligation to work it with all your hearts, all your strength and all your souls I therefore repeat what I said to you before—to those of you who were here before—and appeal to you to do your best to settle this amongst yourselves If you would allow me to help you, if any help from me is necessary, it is at your disposal, I shall be only too glad to be of any assistance to any of you, individu ally or as sections, in order that this agreement may be reached

Now, I do nc
this occasion, I
can reasonably I
many difficulties to discuss, and we shall have to have patience with each other during these discussions, but it is quite unnecessary for us to make very long speeches of a general character upon the problems themselves We are face to face with the question how can the various majorities, minorities, how can the various com munities, how can the various peoples with a past, with traditions how can those who have been outside the pale and those who have been inside the pale, now that we are considering a new constitution for India, a constitution that will be based upon democracy, a trust of the people, how can we all together devise means by which we will share in the power of that Government and use that power not in the interests of a sect or a community or a class, but in the interests of the whole of the masses of the people which compose the Indian population? That is our problem that is your problem Set about it and solve it

I have no list of speakers in front of me Have you amongst yourselves delegated anyone to put a view, or have you any pro posal to make? Let me put a question to you Is it true as I have heard that there are some negotiations going on, that have a chance—I will not put it higher than that—of being successful?

Sir Ali Imam Mr Prime
rity whatsoever to make any su
I am here, and if I may say so
your choice, Sir, of selection
I belong to a party in India which is known as the Nationalist Muslim Party. From that Party itself I have no authority, but, as I belong to that Party, it is possible for me to place before you,

Chairman There are other minorities which are represented If we adjourn, they will have to see if they can get their point of view made ready for expression An adjournment would be useful only if those representatives of the other sections would use the adjournment period for the purpose of preparing something, and then handing in to me in preparation for the next meeting a list of names of those who would like to take part in the discussions I am rather at a disadvantage this morning because nobody has handed in his name If you would like it, I could conduct this Conference in
two or three m
not happen
and in a profit
and what points of view are going to be put forward so that the speakers might be called upon at the most helpful moment The idea is not to suppress speeches at all but in order that the discussion shall proceed in such a way as to produce the maximum amount of good If you do adjourn now please remember that the others of you are coming to a bargain with me that you too will use this time for the purpose of making preparations for a statement which will be brief to the point and comprehensive and I beg of you, helpful On that understanding and with that bargain will you adjourn?

Dr Ambedkar I would like to say one word before we adjourn As regards your suggestion—that while these negotiations are going on members of the other minority communities should prepare their case—I should like to say that so far as the Depressed Classes are concerned, we have already presented our case to the Minorities sub Committee last time

The only thing which remains for me to do is to put before this Committee a short statement suggesting the quantum of representation which we want in the different Legislatures Beyond that I do not think I am called upon to do anything but the point I am anxious to make at the very outset is this I have heard with great pleasure that further negotiations are going to take place for the *settlement of the communal issue but I would like to make this* matter absolutely plain at the very start I do not wish that any doubt should be left on this question at all Those who are negotiating ought to understand that they are not plenipotentiaries at all, that whatever may be the representative character of Mr Gandhi or the Congress people they certainly are not in a position to bind us—certainly not I say that most emphatically in this meeting

Another thing I want to say is this— that the claims put forward by the various minorities are claims put forward by themselves irrespective of the consideration as to whether the claims that they have put forward are consistent with the claims of the other minorities ... between one minori ... r people for that m ... onsideration the cl ... minorities,

can have no chance of success as far as I am concerned. I want to make that absolutely plain. I have no quarrel with the question whether any particular community should get weightage or not, but I do want to say most emphatically that whoever claims weightage and whoever is willing to give that weightage he must not give it—he cannot give it—out of my share. I want to make that absolutely plain.

Sir Henry Gidney : I want to say a very few words. I wholeheartedly associate myself with my friend Dr. Ambedkar. Representing a small community as I do, I fail to see where I come in in this transaction. If the Congress on the one hand makes a settlement with the Muhammadans on the other hand, where do the other minority communities come in? You ask us to settle our differences amongst ourselves and to present them individually. We have already done so. At the last Conference I submitted the minimum demands of the small community I represent. I want to make it abundantly clear that in making this new map of India all minorities should have the right of putting their own little spot on it, and I do not see how we can if the settlement here is going to be entirely a Hindu-Muslim pact.

A Member : Why do you assume that?

Sir Henry Gidney : The other minorities represent nearly 60,000,000, and if we are on the one hand to make this agreement between the Hindus and the Muhammadans, and on the other hand if the other minority communities are to set their own little houses in order, how do we come together? Who will decide? Will the Government decide and come to a compact with us?

Chairman : I want you to decide with them.

Sir Henry Gidney : With ourselves?

Chairman : With the whole lot of us.

Sir Henry Gidney : If there is going to be a settlement between the Hindus and the Muhammadans I think the other minorities should be represented. We cannot have a settlement of that question alone and have them making concessions to each other at our expense. We have not only to consider the Hindus and Muhammadans but the Princes, who come into this matter also. In other words, if you take the rupee, as it were, and divide 15 annas 9 pies amongst yourselves and leave 3 pies for the minorities to scramble for, that will not be just.

Chairman : Do not let there be any misunderstanding. *This* is the body before which the final settlement must come, and the suggestion is merely that if there are minorities or communities that hitherto have been in conflict with each other, they should use a short time for the purpose of trying to overcome their difficulties. That will be a step, and a very important and essential step, towards a general agreement, but the agreement is going to be a general one.

Dr. Ambedkar : I have made my position absolutely clear.

Chairman Dr Ambedkar's position has been made absolutely clear in his usual splendid way he has left no doubt at all about it and that will come up when this body resumes its discussions What I would like to do is to get you all to feel that we are co operating together for a general settlement not for a settlement between any two or any three but a complete settlement

Sardar Ujjal Singh I should like to say a few words The question with which we are faced is the solution of the minorities problem It is not a question that concerns Hindus and Muhammadans only it is the question of how the various minorities are to be protected in the new constitution If the Hindus and the Muhammadans are going to negotiate they cannot negotiate for all the minorities nor are the Muhammadans a minority in all the Provinces Taking India as a whole the Muhammadans are certainly a very strong minority but there are three or four other minorities—the Sikhs the European the Christians and the Depressed Classes—whose rights have got to be equally protected

Another point that has got to be borne in mind is that in the Federal constitution that we are going to evolve the Provinces will have very extensive powers and the control of the Central Government will be largely relaxed so that the real problem will be within the Provinces—the problem of the majorities and minorities in the various autonomous Provinces

Take for example the Punjab The question there would not be the [illegible] question of a [illegible] on ought there [illegible] It will not bring a solution nearer if the Hindus and the Muhammadans alone are to negotiate They cannot negotiate for all the minorities nor can the settlement be arrived at without adjusting the claims of other important minorities

I welcome the adjournment but I do impress on this Committee that that adjournment period should be utilised and could very well be utilised by the representatives of the various minorities also tak[illegible] is the [illegible] that [illegible] s not done you will be creating suspicion in the minds of the various minorities I need only say very modestly that no agreement will be acceptable to the Sikhs to which they do not become a party by securing what they consider the minimum for self preservation

With these few words I welcome the adjournment but I repeat that it ought to be utilised in the proper manner

Chairman The position is this We will adjourn now I think and later continue our meetings Pending any negotiations that may be going on between any two or any three of you we can take up the time in listening to a statement of the claims of the other minorities I think that would be very useful It would save time and it would not mar the possibility of any harmony that may

reached between, say, our Sikh friends—who, we know, can look after themselves with a great deal of persistence—Mr. Gandhi and his friends, and the Aga Khan and his.

But do, my friends, go away from this meeting now with a spirit of determination to settle this problem. Determine that this is going to be settled and that it is not going to be a mere rival fight ending in nothing.

If you will agree to adjourn now, in the meantime will you be good enough to send in names which I will call at the next meeting, and in the meantime the various negotiations can be continued? The question is when our next meeting shall be.

Dr. Ambedkar : I should like to suggest whether it would not be possible for you to appoint a small Committee consisting of members drawn from the various minority communities, along with the Congress representatives, to sit in an informal manner and discuss this problem during the period of the adjournment.

Chairman : I was going to make this suggestion. Do not ask *me* to appoint that Committee; do it yourselves. I have invited you to get together. Could not you manage to hold an informal meeting amongst yourselves and talk the matter over, and then when you speak here you will speak with some sort of knowledge of the effect of what you are saying on others? Could we leave it in that way?

Dr. Ambedkar : As you like.

Chairman : That would be far better.

(The Committee adjourned at 12-35 p.m.)

PROCEEDINGS OF THE EIGHTH MEETING OF THE MINORITIES COMMITTEE HELD ON THURSDAY, 1ST OCTOBER, 1931, AT 11.0 A.M.

Mr. Gandhi : Prime Minister, after consultation with His Highness The Aga Khan and other Muslim friends last night, we came to the conclusion that the purpose for which we meet here would be better served if a week's adjournment was asked for. I have not had the opportunity of consulting my other colleagues, but I have no doubt that they will also agree in the proposal I am making. I have been having with my Muslim friends anxious conversations, and I had the pleasure of meeting some other friends also last afternoon belonging to the different groups or classes. We were not able to make much headway, but they too felt that the time at our disposal was too short even for exchanging views. I may say for myself that beyond this week's adjournment I would not press for any further adjournment, but I would report to this Committee what has been the result of the endeavour I shall be making during the week.

I let out no secret when I inform this Committee that His Highness and the other friends with whom I was closeted last night laid

upon my shoulders the burden of calling representatives of the different groups together and holding consultations with a view

this proposal of mine com-

to the rest of the members

now that His Highness will

second this proposal, and let us all hope that at the end of the week it will be possible to report some sort of a settlement

When I express this hope I do not wish to convey any impression that, because I express it, there is something that I know, and on which I am building that hope But I am an irrepressible optimist, and often in my lifetime when the horizon has appeared to be the blackest, some turn has taken place which has given good ground for hope Whatever it may be, so far as human endeavour is possible, all that endeavour will be made I have no doubt, by many members of this Committee to arrive at a settlement

With these words I leave my proposal, that we adjourn our proceedings to this day week, in your hands for consideration

H H The Aga Khan I have pleasure in seconding the proposal

Sardar Ujjal Singh I rise to give my whole-hearted support to this proposal, and I share the hope that by this means we may come to some understanding, given good will on both sides

Dr Ambedkar I do not wish to create any difficulty in our making every possible attempt to arrive at some solution of the problem with which this Committee has to deal, and if a solution can be arrived at by the means suggested by Mahatma Gandhi, I, for one, will have no objection to that proposal

But there is just this one difficulty with which I as representing the Depressed Classes, am faced I do not know what sort of committee Mahatma Gandhi proposes to appoint to consider this question during the period of adjournment, but I suppose that the Depressed Classes will be represented on this committee

Mr Gandhi . Without doubt

Dr. Ambedkar Thank you But I do not know whether in the position in which I am to day it would be of any use for me or my colleague to work on the proposed committee And for this reason Mahatma Gandhi told us on the first day that he spoke in the Federal Structure Committee that as a representative of the Indian National Congress he was not prepared to give political recognition to any community other than the Muhammadans and the Sikhs He was not prepared to recognise the Anglo-Indians. the Depressed Classes, and the Indian Christians I do not think that I am doing any violence to etiquette by stating in this Committee that when I had the pleasure of meeting Mahatma Gandhi a *week ago and discussing the question of the Depressed Classes* with him, and when we, as members of the other minorities, had the chance of talking with him yesterday in his office, he told us in quite plain terms that the attitude that he had taken in the Federal Structure Committee was his full and well considered atti

What I would like to say is that unless at the outset I know that the Depressed Classes are going to be recognised as a community entitled to political recognition in the future constitution of India, I do not know whether it will serve any purpose for me to join the particular committee that is proposed by Mahatma Gandhi to be constituted to go into this matter. Unless, therefore, I have an assurance that this committee will start with the assumption that all those communities which the Minorities sub-Committee last year recommended as fit for recognition in the future constitution of India will be included, I do not know that I can whole-heartedly support the proposition for adjournment, or that I can whole-heartedly co-operate with the committee that is going to be nominated. That is all that I wish to make plain now.

Sir Henry Gidney : On behalf of the community which I have the honour to represent I associate myself entirely with my friend Dr. Ambedkar. I also am in the unfortunate position of having been refused recognition by Mahatma Gandhi as far as a separate community is concerned. I may be wrong, but I am sure that Mahatma Gandhi will correct me if I am. Yesterday, when we met Mahatma Gandhi upon this matter, he impressed us in terms that left no doubt in my mind that as a community he and the Congress were not prepared to recognise us, and that the Lahore Resolution of the Congress indicated, almost at the behest of the Mahatma, that it was only possible to recognise two communities, the Muhammadans and the Sikhs, and that that was on traditional and historical grounds. Possibly it might be impertinence on my part to claim the same grounds for the recognition of my community. But I do ask the Mahatma to make it abundantly clear here before this meeting, before this committee is appointed, and before you, Sir, ask for an adjournment, that he will include in this committee representatives of those communities which have already received recognition on this committee.

Rao Bahadur Pannir Selvam : The statement made by Dr. Ambedkar is news to me. I was not aware until now that the Mahatma was not granting us any recognition. If that be so, I submit that our position here will be absolutely unnecessary. Since no recognition as a community in the political future is given to us, I am really unable to see what purpose will be served by our taking part in any committee that might subsequently be formed. I feel that I ought to put forward my case exactly in the same terms as Dr. Ambedkar and Sir Henry Gidney have stated theirs.

Dr. Moonje : I did not attach much importance or so much seriousness to the fact when I read in the papers that only two communities are to be recognised by Mahatma Gandhi in the Minorities Committee. I thought that perhaps it might be a kind of move to facilitate conciliation and understanding, and to smooth over difficulties, but I find from Dr. Ambedkar's speech, and from Sir Henry Gidney's speech, that they have taken the matter most seriously. Therefore, I should like to say, and bring it to the notice of the Committee, that even the Hindus in the Provinces of Punjab

and Bengal are minorities and have, therefore, to look after their own interests also With this little explanation, I have no objection to the proposal of adjourning for considering this question

Sir Muhammad Shafi I am afraid there is some misapprehension in the minds of some of my friends about the proposal which has been put forward by Mahatma Gandhi As I understand that proposal Mahatma Gandhi does not ask for the appointment of a sub committee of this Committee nor does he ask for the appointment of a committee in the ordinary sense of the term What is intended is this, that each group constituting the whole of this Committee including of course the Depressed Classes and the Anglo Indian community might select a few representatives, one or two or three from each group who should meet together and consider after an exchange of ideas whether some settlement satisfactory to all minorities can be arrived at and thus lighten the burden which rests upon the shoulders of the Minorities Committee as a whole If that consummation can be arrived at I am sure every sincere well wisher of India's peaceful progress ought to be glad to contribute to the bringing about of that consummation I am afraid the objection made by my friend Dr Ambedkar is merely the result of a misapprehension as to the nature of the proposal made by Mahatma Gandhi and seconded by His Highness The Aga Khan If after this explanation which I have ventured to submit a unanimous decision can be arrived at in favour of the adjournment of this Committee for a week in order to enable us all to meet in a friendly spirit in a spirit of co operation as sincere well wishers for peaceful progress in our common Motherland I shall be very glad

Mrs Naidu Mr Prime Minister as I do not represent either a minority or a special interest I am completely disinterested in the appeal I am going to make to the minorities and special interests not to raise difficulties and not to cross their bridges before they come to them It is only in fulfilment of the appeal Sir which you made to us the other day, which coincides with our own sense of self respect, with our own sense of duty in settling a domestic matter entirely without outside arbitration or intervention, that I want to make an appeal that we should settle our domestic quarrels if there are any, and announce to you a reconciliation, if there must be a reconciliation but at any rate a harmonious result and I think that is the reason why Mahatma Gandhi has made this motion for an adjournment I do not think that any single minority however small need have any apprehension Every minority is as much a part of the nation as every majority, and I, for one, pledge myself to follow the exhortation given to me by one of the greatest statesmen in Europe whose boast is that he built up an independent nation without an army and without money He said to me two years ago "Madame keep your minorities happy you cannot build a nation without giving a sense of security to your minorities" and it is because we want to give this sense of security to the minorities and make them feel a

they are an integral part of the nation that a majority community, speaking through the mouth of Mahatma Gandhi, and, if I may say so, also a majority community, speaking through the mouth of His Highness The Aga Khan, are making an appeal that we shall not bring our small domestic quarrels before those who are not concerned primarily with them, but that we shall settle them ourselves, with equity, magnanimity and a sense of chivalry which is justice, and a sense of self-respect which does not permit outsiders to know of the differences within our own house.

That is my appeal, Prime Minister, and I hope it will be accepted by all the minorities and majorities present.

Dr. Ambedkar : I should like to make my position further clear. It seems that there has been a certain misunderstanding regarding what I said. It is not that I object to adjournment; it is not that I object to serving on any committee that might be appointed to consider the question. What I would like to know before I enter upon this committee, if they give me the privilege of serving on it, is: What is the thing that this committee is going to consider? Is it only going to consider the question of the Muhammadans *vis-à-vis* the Hindus? Is it going to consider the question of the Muhammadans *vis-à-vis* the Sikhs in the Punjab? Or is it going to consider the question of the Sikhs *vis-à-vis* the Hindus? Is it going to consider the question of the Christians, the Anglo-Indians and the Depressed Classes?

If we understand perfectly well before we start that this committee will not merely concern itself with the question of the Hindus and the Muhammadans, of the Hindus and the Sikhs, but will also take upon itself the responsibility of considering the Depressed Classes, the Anglo-Indians and the Christians, I am perfectly willing to allow this adjournment resolution to be passed without my protest. But I do want to say this, that if I am to be left out in the cold, and if this interval is going to be utilised for the purpose of solving the Hindu-Muslim question and the Hindu-Sikh question, I would press that this Committee should at once grapple with the question and consider it, rather than allow both positions to be taken hold of by somebody else.

Mr. Gandhi : Prime Minister and friends, I see that there is some kind of misunderstanding with reference to the scope of the work that some of us have set before ourselves. I fear that Dr. Ambedkar, Colonel Gidney and other friends are unnecessarily nervous about what is going to happen. Who am I to deny political status to any single interest or class or even individual in India? As a representative of the Congress I should be unworthy of the trust that has been reposed in me by the Congress if I were guilty of sacrificing a single national interest. I have undoubtedly given expression to my own views on these points. I must confess that I hold to those views also. But there are ways and ways of guaranteeing protection to every single interest. It will be for those of us who will be putting our heads together to try to evolve a scheme. Nobody would be hampered in pressing his own views on the

members of this very informal conference or meeting We need not call it a committee I have no authority to convene any committee or to bring into being a committee I can only act as a humble messenger of peace, try to get together representatives of different interests and groups and see whether, by being closeted in one room and by heart to heart conversation, we may not be able to remove cobwebs of misunderstanding and see our way clear to the goal that lies so hazily before us to day

I do not think, therefore, that anybody need be afraid as to being able to express his opinion or carrying his opinion also Mine will be there equal to that of everyone of us it will carry no greater weight, I have no authority behind me to carry my opinion against the opinion of anybody I have simply given expression to my views in the national interest, and I shall give expression to these views whenever they are opportune It will be for you it is for you to reject or accept those opinions Therefore please disabuse your minds everyone of us of the idea that there is going to be any steam rolling in the Conference and the informal meetings that I have adumbrated But if you think that this is one way of coming closer together than by sitting stiffly at this table, you will not only carry this adjournment motion but give your wholehearted co operation to the proposal that I have made in connection with these informal meetings

Sir Hubert Carr Mr Prime Minister my community has not been mentioned It is a very small one but I would like to say that we welcome an adjournment or any other means which will assist a solution of this question which we recognise must precede the final consideration of other questions in which we are all vitally interested

Dr Datta May I say I welcome this adjournment

Chairman Then I shall proceed to put it I put it on the clear understanding, my friends, that the time is not going to be wasted, and that these conferences—as Mr Gandhi has said informal conferences, but nevertheless I hope very valuable and fruitful conferences—will take place between now and our next meeting I hope you will all pledge yourselves to use the time in that way

(The Committee adjourned at 11 28 a m)

PROCEEDINGS OF THE NINTH MEETING OF THE MINORITIES COMMITTEE HELD ON THURSDAY, 8TH OCTOBER, 1931, AT 11 A M

Chairman When we met last Thursday, by common consent we adjourned for a week in order to enable informal and unofficial consultations to take place, with a view of coming to an agreement Perhaps our first business is to receive a report from those who conducted the negotiations May I ask Mr Gandhi to speak first?

Mr Gandhi Prime Minister and friends, it is with deep sorrow and deeper humiliation that I have to announce utter failure on my part to secure an agreed solution of the communal question

through informal conversations among and with the representatives of different groups. I apologise to you, Mr. Prime Minister, and the other colleagues for the waste of a precious week. My only consolation lies in the fact that when I accepted the burden of carrying on these talks I knew that there was not much hope of success, and still more in the fact that I am not aware of having spared any effort to reach a solution.

But to say that the conversations have to our utter shame failed is not to say the whole truth. Causes of failure were inherent in the composition of the Indian Delegation. We are almost all not elected representatives of the parties or groups whom we are presumed to represent; we are here by nomination of the Government. Nor are those whose presence was absolutely necessary for an agreed solution to be found here. Further, you will allow me to say that this was hardly the time to summon the Minorities Committee. It lacks the sense of reality in that we do not know what it is that we are going to get. If we knew in a definite manner that we were going to get the thing we want, we should hesitate fifty times before we threw it away in a sinful wrangle, as it would be if we are told that the getting of it would depend upon the ability of the present Delegation to produce an agreed solution of the communal tangle. The solution can be the crown of the Swaraj constitution, not its foundation—if only because our differences have hardened, if they have not arisen, by reason of the foreign domination. I have not a shadow of a doubt that the iceberg of communal differences will melt under the warmth of the sun of freedom.

I, therefore, venture to suggest that the Minorities Committee be adjourned *sine die* and that the fundamentals of the constitution be hammered into shape as quickly as may be. Meanwhile, the informal work of discovering a true solution of the communal problem will and must continue; only it must not baulk or be allowed to block the progress of constitution-building. Attention must be diverted from it and concentrated on the main part of the structure.

I hardly need point out to the Committee that my failure does not mean the end of all hope of arriving at an agreed solution. My failure does not even mean my utter defeat; there is no such word in my dictionary. My confession merely means failure of the special effort for which I presumed to ask for a week's indulgence, which you so generously gave.

I propose to use the failure as a stepping-stone to success, and I invite you all to do likewise; but, should all effort at agreement fail, even when the Round Table Conference reaches the end of its labours, I would suggest the addition of a clause to the expected constitution appointing a judicial tribunal that would examine all claims and give its final decision on all the points that may be left unsettled.

Nor need this Committee think that the time given for enabling informal conversations to be carried on has been altogether wasted. You will be glad to learn that many friends not members of the Delegation have been giving their attention to the question.

Among these I would mention *Sir Geoffrey Corbett* He has produced a scheme of redistribution of the Punjab which, though it has not found acceptance is in my opinion well worth studying I am asking Sir Geofrey if he will kindly elaborate and circulate it among the members Our Sikh colleagues have also produced another which is at least worthy of study Sir Hubert Carr produced last night an ingenious and novel proposal to set up for the Punjab two Legislatures the lower to satisfy the Muslim claim and the upper nearly satisfying the Sikh claim Though I am no believer in a bicameral Legislature I am much attracted by Sir Hubert's proposal, and I would invite him to pursue it further with the same zeal with which I gratefully admit, he followed and contributed to the informal deliberations

Lastly inasmuch as the only reason for my appearance at these deliberations is that I represent the Indian National Congress I must clearly set forth its *position* In spite of appearances to the contrary especially in England the Congress claims to represent the whole nation and most decidedly the dumb millions, among whom are included the numberless Untouchables, who are more suppressed than depressed as also in a way the more unfortunate and neglected classes known as Backward Races

Here is the Congress position in a nutshell I am reading the Congress resolution on the subject However much it may have failed in the realisation the Congress has since its inception set up pure nationalism as its ideal It has endeavoured to break down communal barriers The following Lahore resolution was the culminating point in its advance towards nationalism In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions —

> The Congress believing that in an independent India communal questions can only be solved on strictly national lines but as the Sikhs in particular and the Muslims and the other minorities in general have expressed dissatisfaction over the solution of communal question proposed in the Nehru Report, this Congress assures the Sikhs, the Muslims and other minorities that no solution [illegible] future constitution will be acceptable to the C[illegible] does not give full satisfaction to the [illegible]

Hence the Congress is precluded from [illegible] solution of the communal problem [illegible] the history of the nation it was felt [illegible] should suggest for adoption by the [illegible] munal in appearance yet as nearly [illegible] ally acceptable to the commun[illegible] mittee therefore, after full [illegible] the following scheme —

> "1 (a) The [illegible] mental rights shall [illegible] concerned [illegible]

scripts, education, profession and practice of religion and religious endowment;

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution;

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government."

2. The franchise shall be extended to all adult men and women—"

and then there is a note to this :—

"The Working Committee is committed to adult franchise by the Karachi resolution of the Congress, and cannot entertain any alternative franchise. In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community.

3. *(a)* Joint electorates shall form the basis of representation in the future constitution of India; *(b)* That for the Hindus in Sind, the Muslims in Assam and the Sikhs in the Punjab and North-West Frontier Province, and for Hindus and Muslims in any Province where they are less than 25 per cent. of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population, with the right to contest additional seats.

4. The appointments shall be made by non-Party Public Service Commissions, which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the public service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets, the interests of minority communities shall be recognised by convention. The North-West Frontier Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. The future constitution of the country shall be Federal. The residuary powers shall vest in the federating units unless on further examination it is found to be against the best interest of India.

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted nationalism. Whilst on the one hand the Working Committee hopes that the whole nation will endorse the scheme, on the other it assures those

who take extreme views and cannot adopt it, that the Committee will gladly, as it is bound to by the Lahore Resolution, accept without reservation any other scheme if it commands the acceptance of all the parties concerned "

That is the Congress resolution

If, however, a national solution is impossible and the Congress scheme proves unacceptable I am not precluded from endorsing any other reasonable scheme which may be acceptable to the parties concerned The Congress position on this question therefore is one of the greatest possible accommodation Where it cannot help it will not obstruct Needless to say the Congress will whole-heartedly support any scheme of private arbitration It seems to have been represented that I am opposed to any representation of the Untouchables on the Legislature This is a travesty of the truth What I have said, and what I must repeat, is that I am opposed to their special representation I am convinced that it can do them no good, and may do much harm but the Congress is wedded to adult franchise Therefore millions of them can be placed on the Voters Roll It is impossible to conceive that, with untouchability fast disappearing, nominees of these voters can be boycotted by the others, but what these people need more than election to the Legislatures is protection from social and religious persecution Custom, which is often more powerful than law, has brought them to a degradation of which every thinking Hindu has need to feel ashamed and to do penance I should, therefore, have the most drastic legislation rendering criminal all the special persecution to which these fellow-countrymen of mine are subjected by the so called superior classes Thank God, the conscience of Hindus has been stirred, and untouchability will soon be a relic of our sinful past

Sir Muhammad Shafi Prime Minister, I am sure every one of the Indian representatives on this Committee shares the humiliation and sorrow to which Mahatma Gandhi has given expression as a result of the breakdown of the discussions and negotiations which have been going on during the last week with a view, if possible, to
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mmation,
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the informal committee who have striven to their utmost to bring about such a settlement, have ended in failure

Mahatma Gandhi has expressed it as his opinion this morning that *the failure is due to the constitution of the British Indian* Delegation inasmuch as the members of the British Indian Delegation according to him were nominated by Government and not elected by the people With all respect to Mahatma Gandhi, I entirely dissent from that proposition It is well known to you all that there are four great political parties in India the Indian National Congress, the Hindu Mahasabha, the Liberal Federation

and the Muslim Community. We have present here at this Conference Mahatma Gandhi himself whom the Working Committee of the Indian National Congress have appointed as their sole Delegate. So that the Indian National Congress is fully represented in this Committee. We have the founder of the All-India Hindu Maha-sabha in the person of Pandit Madan Mohan Malaviya as a member of this Committee.

Sir A. P. Patro : Is that a political body or a religious association?

Sir Muhammad Shafi : It is a political body.

Pandit M. M. Malaviya : I am not the founder of it.

Sir Muhammad Shafi : We have also the working President of that organisation, Dr. Moonje, and an *ex*-President of that organisation, Raja Narendra Nath, present here in the Minorities Committee.

Coming to the Liberal Federation, almost all the prominent members and office bearers of that organisation are present here as members of the British Indian Delegation.

So far as the Muslim community is concerned, you have the President of the Khilafat Conference, the President of the All-India Muslim League, the President of the All-India Muslim Conference, and office bearers of all the other various Muslim organisations present as members of the British Indian Delegation. You have also the gentleman who presided over a party which has recently come into being in India, the Muslim Nationalist Party. You have the President of the Conference of that Party held in Lucknow present here as a member of the British Indian Delegation.

To say, therefore, that it is only Government nominees who are members of the British Indian Delegation is, I venture to submit, to put forward a proposition which will not bear examination. The leaders of all the various political parties in India are members of the Round Table Conference, and they were nominated by the Government of India after consultation with the Working Committees and Executives of these various organisations.

In these circumstances, I venture to submit that the British Indian Delegation is thoroughly representative of the peoples of India; and if, in spite of this fact, we have not been able to arrive at an amicable settlement of the communal problem, all I can say is this, that the sense of humiliation and sorrow to which Mahatma Gandhi has given expression has gone deep into the hearts of some of us. It is heart-breaking indeed that in spite of the efforts made by those who firmly believe that the future of India rests entirely upon Hindu-Muslim unity, upon a satisfactory settlement of the communal problem and a settlement of the Minorities question in India, we should not have been able to arrive at an agreement, and we most deeply regret this breakdown. That is all I have to say with reference to this part of the observations made by Mahatma Gandhi.

Then Mahatma Gandhi suggested that a clause should be i
duced in the constitution providing for the appointment of a jud
tribunal to decide questions which are left undecided If Maha
Gandhi contemplates that the question of the settlement of the c
munal problem also should be referred to that tribunal I vent
to submit that he is ignoring one vital factor in the whole c
When he says that the constitution should include a clause, does
realise that it is impossible to frame a constitution for India witho
first settling the various communal problems involved? It I m
liken the work of the Federal Structure Committee to the forgi
of a chain then what I would say is this Many of the links
this chain—indeed some of the most important of the links of th
chain—are dependent upon the solution of the communal problem
Without a solution of the communal problem the chain cannot be
forged and in consequence it is impossible to frame a constitution
without settling the communal problem

Then Mahatma Gandhi referred to a solution of the Punjab
problem suggested by Sir Geoffrey Corbett and to a solution als
suggested last night by Sir Hubert Carr We on this side are per
fectly willing to examine those solutions

In so far as the solution suggested by Sardar Ujjal Singh is
concerned it includes, amongst some of the suggestions made the
handing over of the Multan and Rawalpindi Divisions to the North
West Frontier Province—that is to say that the North Western
and South Western Punjab instead of going ahead in this scheme
of constitutional evolution which we contemplate should be handed
over to the North West Frontier Province

I do not wish to add anything further

Sardar Ujjal Singh It is not quite correct I would rather
present that scheme so that it might form part of the proceedings
It might be circulated to the members of the Committee

Sir Muhammad Shafi If I had made a misstatement or if I
have not understood his proposals correctly my learned friend
would be perfectly justified in getting up and correcting me but if
I am right in saying that his scheme contemplates the handing over
of the North Western and South Western Punjab—that is to say,
the Rawalpindi Division and the Multan Division—to the North-
West Frontier Province then I think every member of this Com
mittee will see immediately that the Muhammadans of the Punjab
are not likely to accept such a proposal as that I need say nothing
further with regard to these schemes

Then Mahatma Gandhi went on to read the Congress resolution
on the settlement of communal questions I need only say that the
Congress resolution read out to us this morning has already met
with the fate of the Nehru Report It has been rejected by the
Hindus of the Punjab has been rejected by the Sikhs has been
rejected by the Muslim community so it is no use referring to that
resolution here

Then Mahatma Gandhi further stated that the Congress will whole-heartedly support any scheme of arbitration. Now, that is an observation made by Mahatma Gandhi of which I must take note. I wish to remind the members of the Minorities Committee of the speech delivered by the Prime Minister at the conclusion of the last Session of the Round Table Conference. During the course of that speech the Prime Minister observed as follows:—

> "Then there is the third category of safeguards, relating to communities. Now I repeat what I have said to you so often regarding that: if you fail to agree to set up your own safeguards, to come to a settlement between yourselves regarding those safeguards, the Government will have to provide in the constitution provisions designed to help you."

I venture to submit that there is only one course open after this breakdown of the negotiations and discussions, and that is that this Committee ought to go ahead. We who are convinced that the future of India lies within the British Commonwealth of Nations are not willing to accept the arbitration of any outsider. His Majesty's Government as the head of that Commonwealth are the judges who are in the best of positions to decide the question, and we are perfectly willing that they should be the judges of this question. Indeed, constitutionally it is His Majesty's Government and the British Parliament which will have to undertake the responsibility of deciding this question along with the other questions relating to constitutional evolution in India.

Lastly, the Muslim Delegation is not prepared to agree to the proposal made by Mahatma Gandhi that the proceedings of this Committee should be adjourned *sine die* and that the work of constitution-building in the Federal Structure Committee should go on. We hold that it is impossible to carry on that work in the Federal Structure Committee without concluding the work of the Minorities Committee. As I have said, the links which remain to be forged in that Committee are all dependent upon the solution of the communal problem. To give but one illustration: There is the question of responsibility in the Centre. As I said in the concluding paragraph of my speech before this very Committee at an earlier stage, if the communal problem is not settled, to whom is the British Government to transfer responsibility? To the Hindus? Then the Muslims will object. To the Muslims? Then the Hindus will object; and unless and until the minorities are satisfied—all minorities, Depressed Classes, Europeans, Anglo-Indians and Christians—that their vital interests have been adequately safeguarded as a result of the deliberations of this Committee, how can you expect them to agree to the transfer of responsibility?

I venture to suggest that the proposal made by Mahatma Gandhi—that this Committee should adjourn *sine die*—is not acceptable on any grounds, and in consequence I am instructed by the Muslim Delegation to oppose it.

Sir A. P. Patro: Mr. Prime Minister, I tremble to speak on this occasion after the speech of Sir Muhammad Shafi; I feel so

diffident I feel that after all these direct and distinct assertions it would be futile for me to attempt to throw oil over the troubled waters It has been my painful duty since 1929 to attempt to assist as far as I could in the solution of this problem It is painfully disappointing to see that we have failed Last year I appealed to all the Delegates and said the time had come when His Majesty s Government should undertake the responsibility of solving this problem High hopes were roused in me when Mahatma Gandhi was sailing to take part in this Conference I realise, as everyone here round this table and outside realises that with his great moral force and his great personality, however much we differ from his politics he was the only person that would be able to adjust and solve this very difficult problem the communal problem I heard him with great respect when I met him in private and in public and was impressed with his great earnestness and sincerity for the solution of this problem We have failed it is a great misfortune but as a practical worker I do not feel despondent and I do not despair If we have failed now in solving this problem, what is it that we can do next?

It seems to me there are two ways in which we can pursue this problem I suggested last year that it should be taken up by His Majesty s Government on the basis of the recommendations of the Government of India Despatch and that they should proceed with the work—not that they should impose any solution upon us but that they should solve the problem equitably and leave it to the various Provinces to understand the position in which they would be situated In other words it should be a solution which will be acceptable to most people No solution which His Majesty s Government or anyone else may make will be acceptable to all sections It is so with regard to every political problem We see the same position in regard to European nationalities we find it the same here also in this great country Therefore the fact that it will rouse opposition from certain quarters need not deter His Majesty s Government from taking courage to solve this problem in the light of the information that is available to them and in the light of the great volume of evidence that is before them That is one method which I have suggested and which I again repeat with all respect I know the disadvantage at which I am placing the Government in asking them to undertake such a responsibility and such a serious task but the British Government has undertaken more serious responsibilities in regard to the administration of India in laying down policies for the Government of India Therefore the Home Government need not hesitate to undertake this responsibility That is especially so in the light of what His Excellency the Viceroy has said On the 30th October 1929 he said that the end of the constitutional issue is the attainment of Dominion Status for India

The Secretary of State has repeated it and has said that India is already enjoying Dominion Status In the light of these assurances given to the people of India we claim that it is the duty of

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Sir A. P. Patro: Mr. Prime Minister, I tremble to this occasion after the speech of Sir Muhammad Shafi;

diffident I feel that after all these direct and distinct assertions it would be futile for me to attempt to throw oil over the troubled waters It has been my painful duty since 1929 to attempt to assist as far as I could in the solution of this problem It is painfully disappointing to see that we have failed Last year I appealed to all the Delegates and said the time had come when His Majesty s Government should undertake the responsibility of solving this problem High hopes were roused in me when Mahatma Gandhi was sailing to take part in this Conference I realise, as everyone here round this table and outside realises that, with his great moral force and his great personality however much we differ from his politics he was the only person that would be able to adjust and solve this very difficult problem the communal problem I heard him with great respect when I met him in private and in public and was impressed with his great earnestness and sincerity for the solution of this problem We have failed it is a great misfortune but as a practical worker I do not feel despondent and I do not despair If we have failed now in solving this problem, what is it that we can do next?

It seems to me there are two ways in which we can pursue this problem I suggested last year that it should be taken up by His Majesty s Government on the basis of the recommendations of the Government of India Despatch and that they should proceed with the work—not that they should impose any solution upon us but that they should solve the problem equitably and leave it to the various Provinces to understand the position in which they would be situated In other words it should be a solution which will be acceptable to most people No solution which His Majesty s Government or anyone else may make will be acceptable to all sections It is so with regard to every political problem We see the same position in regard to European nationalities, we find it the same here also in this great country Therefore the fact that it will rouse opposition from certain quarters need not deter His Majesty's Government from taking courage to solve this problem in the light of the information that is available to them and in the light of the great volume of evidence that is before them That is one method which I have suggested and which I again repeat with all respect I know the disadvantage at which I am placing the Government in asking them to undertake such a responsibility and such a serious task, but the British Government has undertaken more serious responsibilities in regard to the administration of India in laying down policies for the Government of India Therefore the Home Government need not hesitate to undertake this responsibility That is especially so in the light of what His Excellency the Viceroy has said On the 30th October 1929, he said that the end of the constitutional issue is the attainment of Dominion Status for India

The Secretary of State has repeated it and has said that India already enjoying Dominion Status In the light of these ances given to the people of India we claim that it is

His Majesty's Government to take up this responsibility, however unpleasant it may be for the time being. There must be change in the Centre immediately.

Then there is a second solution which I would venture to place before this Committee. When we failed to achieve a solution, Mahatma Gandhi said that the composition of this Committee is such that it did not assist in the matter of solving this problem. I consider that it may be so in the sense that all the Delegates from different Provinces were clubbed together, and each section and each Province and community was trying to force its own problems upon the whole body. In other words, until the small hours of this morning we were occupied with the problem of the Punjab. Sir Muhammad Shafi is so much obsessed with the problem of the Punjab that he thought there were only four political parties in India, including the Mahasabha and others. He forgot other Provinces his own, the conditions which exist elsewhere. It is pardonable on his part that, being occupied so much with Punjab affairs, he should forget the conditions prevailing in other Provinces and the parties there which have been working on constitutional methods.

Sir Muhammad Shafi : I admit my mistake.

Sir A. P. Patro : I am glad he acknowledges the mistake—the very serious mistake—he made in claiming that there were only four parties in India.

The point which I am placing before you for serious consideration is that, as Mahatma Gandhi said, the composition of this Committee is such that it has placed particular provincial and parochia interests above the interests of all India, and therefore India nationalism could not easily find expression in the deliberations o this Committee.

What is it, therefore, that we ought to do in order to overco these difficulties? When we have got a full scheme of provinc autonomy and federation together worked out by the Brit Government, and when both for the Provinces and the Centre scheme is ready, the former may be referred to the Province each case, and the Provinces may form small conferences or c mittees of representatives in order to solve the difficulties rela to themselves. I find it has been a great mistake on the pa the British Government and of British policy to attempt to ac uniformity of policy, uniformity of action, and uniformity ministration throughout the whole of India. Conditions in inces differ radically in many respects. You cannot, the impose one particular form of government, one particular that will be suitable for the whole of India. You must, th take the Provinces, Province by Province, and ask them small conferences, representative of all interests and of munities, to come to an understanding on the communal and on the constitutional problem. From this Central resp becomes inevitable.

When once you invite representatives of the various communities and interests to meet in conference, you must not allow these conferences to be again divided There should be one vote for each interest and one vote for each community and in that way, what ever may be the number and the composition of these conferences you would have this one principle namely that each community and each interest will have one vote and thereby an agreed scheme may be very possible

Whenever a Province comes to an agreed scheme both in the matter of communities and in the matter of the constitution that scheme will naturally be examined by the Government of the Province and when it has made its remarks it will be forwarded to Parliament and Parliament must be in a position to confirm or endorse such scheme The agreed scheme of the people must be endorsed by Parliament that is to say the scheme which the British Government would outline to us now and immediately both in regard to the Provinces and in the Centre must fit in with that of the people and Parliament will be in a position to endorse it

There will be therefore as Mahatma Gandhi has said full agreement with all interests and parties in the Provinces When there is that full agreement according to the Congress constitution expressed by the people in this Conference and when it is agreed to by the Provincial Governments there is no danger of such a scheme or such a proposal being in any way detrimental to the working of the constitution Then if each Province has worked out its own scheme has solved its communal and other problems in a way *suitable to the genius of the people themselves suitable to the* economic and political conditions of the people then there will be no difficulty whatever Simultaneously therefore the whole of the Federal scheme will have to continue to be worked The Federation of the rest of India must not wait until this reorganisation is completed There should be no delay in beginning the work of the Federation It may take time The whole Federation of India is something unique It is unprecedented We cannot copy merely from either the Constitution of Canada or from the Constitution of Australia but once the principle of Federation has been accepted we shall have to fill in all the details when we see the practical difficulties in the working of the Federal constitution That will take a long time, and therefore what I want to suggest is go ahead with the scheme of Federation in the Centre go ahead with the scheme of Provincial autonomy work out the scheme of Provincial autonomy work out the scheme for the Centre It may take time for the Centre—two or three years—but as some of us suggested to the Prime Minister on the last occasion it is not wise to delay giving full responsibility in the Province immediately So you will see that responsibility in the Centre will begin in course of time and at the same time the scheme will be worked in the Centre It will not be delayed Then once you have got Provincial representation you cannot delay any longer the introduction of full responsibility in the Centre as we claim In the meanwhile the

recommendations of the Government of India must be enforced in the Centre. It is an essential part of any proposal.

Therefore it seems to me that there is no reason for despairing because we have not been able to adjust the communal problem. You can leave it to the conference, which will be better composed of the Provincial delegates, and when those delegates come to a solution of the problem it should be within the power of His Majesty's Government to give sanction to it by Order or by Resolution in the Houses of Parliament. If this is done a great deal of the communal trouble will disappear, and I venture to say respectfully, that it will not at all be in opposition to the scheme which the Congress has adumbrated. However much we may differ from other parts, this part, namely the agreed settlement, would be achieved both in the Provinces and in the Centre.

Therefore I suggest that either His Majesty's Government should take up the solution of the problem, or that we should leave it to the Provinces and to the Federal Assembly in the Centre. Side by side, simultaneously, these two things should go on, and when that is done it seems to me that the problem will be freed from its most difficult aspects.

Dr. Ambedkar : Mr. Prime Minister, last night when we parted at the conclusion of the meeting of the informal Committee we parted, although with a sense of failure, at least with one common understanding, and that was that when we met here to-day none of us should make any speech or any comment that would cause exasperation. I am sorry to see that Mr. Gandhi should have beer guilty of a breach of this understanding. Excuse me, I must hav the opportunity to speak. He started by giving what were, accord ing to him, the causes of the failure of the informal Committe Now, I have my own causes which I think were responsible for t failure of the informal Committee to reach an agreement, but I not propose to discuss them now. What disturbs me after heari Mr. Gandhi is that instead of confining himself to his propositi namely, that the Minorities Committee should adjourn *sinc* he started casting certain reflections upon the representatives of different communities who are sitting round this table. He that the Delegates were nominees of the Government, and that did not represent the views of their respective communitie whom they stood. We cannot deny the allegation that w nominees of the Government, but, speaking for myself, I ha the slightest doubt that even if the Depressed Classes of Indi given the chance of electing their representatives to this C ence, I would, all the same, find a place here. I say therefo whether I am a nominee or not, I fully represent the claim community. Let no man be under any mistaken impre regards that.

The Mahatma has been always claiming that the Congr for the Depressed Classes, and that the Congress repre Depressed Classes more than I or my colleague can do. .claim I can only say that it is one of the many false cla

irresponsible people keep on making, although the persons concerned with regard to those claims have been invariably denying them

I have here a telegram which I have just received from a place which I have never visited and from a man whom I have never seen—from the President of the Depressed Classes Union, Kumaun, Almora which I believe is in the United Provinces, and which contains the following resolution —

> This Meeting declares its no-confidence in the Congress movement which has been carried on in and outside the country and condemns the methods adopted by the Congress workers

I do not care to read further but I can say this (and I think if Mr Gandhi will examine his position he will find out the truth) that although there may be people in the Congress who may be showing sympathy towards the Depressed Classes the Depressed Classes are not in the Congress That is a proposition which I propose to substantiate I do not wish to enter into these points of controversy They seem to be somewhat outside the main proposition The main proposition which Mr Gandhi has made is that this Committee should be adjourned *sine die* With regard to that proposition I entirely agree with the attitude taken up by Sir Muhammad Shafi I for one cannot consent to this proposition It seems to me that there are only two alternatives—either that this Minorities Committee should go on tackling the problem and trying to arrive at some satisfactory solution if that is possible and then if that is not possible the British Government should undertake the solution of that problem We cannot consent to leave this to the arbitration of third parties whose sense of responsibility may not be the same as must be the sense of responsibility of the British Government

Prime Minister, permit me to make one thing clear The Depressed Classes are not anxious they are not clamorous they have not started any movement for claiming that there shall be an immediate transfer of power from the British to the Indian people They have their particular grievances against the British people and I think I have voiced them sufficiently to make it clear that we [illegible]

ment is unable to resist the forces that have been set up in the country which do clamour for transference of political power—and we know the Depressed Classes in their present circumstances are not in a position to resist that—then our submission is that if you make that transfer that transfer will be accompanied by such conditions and by such provisions that the power shall not fall into the hands of a clique into the hands of an oligarchy, or into the hands of a group of people whether Muhammadans or Hindus, but that that solution shall be such that the power shall be shared by all

communities in their respective proportions. Taking that view, I do not see how I, for one, can take any serious part in the delibera-tions of the Federal Structure Committee unless I know where I and my community stand.

Rao Bahadur Pannir Selvam: Mr. Prime Minister. It seems to me that in the course of these deliberations the other minorities have not had their full consideration. All along I have felt that while the smaller communities, including the Depressed Classes, were no doubt afforded an opportunity of stating their claims, the deliberations and the discussions have been concentrated on the Punjab question. The Committee has been wholly engrossed with that problem, and because that question baffled all solutions the informal Conference came to the conclusion that the whole thing had been a failure. The question of the other minorities has never been considered at all. We were only given an opportunity of put-ting forward our claims. Various communities put forward their claims, but so far no attempt has been made to meet any of those demands or to come to an agreement about those demands. As my friend and leader, Sir Annepu Patro put it, we in the South—com-ing as I do from Madras—have very little interest in the Punjab internal question. I do not see any reason why it should be taken that the Minorities question has been wholly tackled and a solution has not been arrived at when our case has not been considered at all.

Therefore I am unable to agree to an adjournment *sine die*. do think there is work before the Minorities Committee to go int the question of the other minorities as well, of course making speci endeavours to find a solution fo the Punjab question, and to ma it fit in with the general scheme if possible. But my own impr sion is that we have hardly begun the work as far as the ot minorities are concerned. Last year I felt there was no need to forward the claims of the smaller communities so strongly, bec it seemed to me there was practically a unanimity of opinion least among the various minority communities, and even the c representatives about the claims and the extent to which they to be conceded. I appreciate that the positive attitude of the gress is qualified by your final clause which states that att will be made to satisfy all communities; but the positive I of the Congress Resolution makes the other minorities feel nervous.

The resolution of the Congress which Mr. Gandhi has be enough to read out says that Hindus and Muhammadan receive consideration and shall be given separate represen Provinces where they do not form more than 25 per cent., of the other minorities in all Provinces are less than 25 That resolution distinctly states that the Hindus and th madans are to be given separate representation in Provi they are in a minority.

Dr. Moonje: That is not the Congress resolution. it and study it.

Rao Bahadur Pannir Selvam As I understand the Congress resolution it says that in Provinces where the Muhammadans and the Hindus form less than 25 per cent of the population they shall be given separate representation and the Sikhs shall be given representation in the Punjab and in the North West Frontier Province Nothing is mentioned as regards the other minority communities and Mr Gandhi himself has definitely stated that he is personally opposed to any special representation as far as the Depressed Classes are concerned while we the other smaller groups—the Indian Christians who are not a negligible number the Europeans and the Anglo Indians—find no place at all in the picture It seems to me therefore that at this stage we have ample work before us to consider the case of all the minorities and I am not able to endorse the resolution which has been moved that this Committee should be adjourned *sine die*

Sardar Ujjal Singh I fully share the deep regret and sorrow so eloquently expressed by Mahatma Gandhi and Sir Muhammad Shafi on the breakdown of the negotiations but there is one feature which ought to be borne in mind and it is this Mahatma Gandhi took on himself the task of the settlement of this question within one week and the failure means that we have not come to any understanding or settlement within that week The road to further negotiations is not closed as a matter of fact Mahatma Gandhi has definitely stated that informal meetings or negotiations might still be carried on

Yesterday three alternative schemes were suggested for the way out of the difficulty and Mahatma Gandhi has referred to them in his speech The first was a scheme suggested by Sir Geoffrey Corbett, and the second was the one that I had the honour to present with regard to the redistribution of the Punjab The third was by Sir Hubert Carr with regard to a bicameral Legislature in the Punjab

We had not sufficient time to discuss those schemes on their merits If Sir Geoffrey Corbett's scheme contemplates the separation of Ambala division from the Punjab then it cannot be acceptable to the Sikhs It will place them in a hopeless minority—a position from the frying pan into the fire The scheme which the Sikhs have suggested and which I have worked out in detail was not properly brought to the notice of the members and it was probably under some misapprehension that my friend Sir Muhammad Shafi said that we wanted all those ten districts necessarily to be transferred to the North West Frontier Province

Sir I beg to present that scheme for the consideration of the members of the Committee and I suggest that scheme might be circulated We do not say that those ten districts must necessarily be transferred to the North-West Frontier Province It may be left to the will of the population six millions of them, either to constitute themselves into a separate Province or to be transferred to the North West Frontier Province I need not discuss the merits

of that scheme here, for it will be before the members in all its details.

Sir, with regard to the question if we do not ultimately come to any final decision amongst ourselves, I do agree that there is no course open to us except that we should leave it to the Government. The Government in the past has decided for the communities, and in future it is certainly the responsibility of the Government to make a fair and just decision of these problems. But, Sir, there is one point which I should like to make clear, and it is this: that if we continue our discussion in this Committee I doubt very much whether we can come to any settlement. We might be able to express our views, or place our own case, but it is certainly very doubtful whether we can come to any final agreement. The only way to find a solution is by the method of informal conferences. So I do not propose that this meeting should be adjourned *sine die*, but it might be adjourned in order to give members further time for private negotiations—with the hope of removing such a feeling of despair as now prevails in this Committee. As a matter of fact, nobody wants to take the responsibility upon himself for an adjournment. The Prime Minister himself might announce that further time might be given, and meanwhile, if certain members of the various groups want to express their views or put forward their case, they are welcome to do it; but necessarily the agreement will have to be arrived at by private and informal negotiations.

Sir, one word with regard to our future work. I am expressing
the feeling of my community that we cannot, in fact, agree to an
system of government which provides autonomy to the Provinces i
the sense that the Central Government should have little or
control over them, unless we Sikhs are assured of our position a
our protection. It matters very greatly to us, concentrated, as
are, in one Province of the Punjab. In that Province we still p
such an important part that we must be assured of our protec
before we submit to any scheme which grants complete auton
to the Punjab. This view has been expressed unanimously by
Sikh community, and was conveyed to His Excellency the Vi
in India and to Mahatma Gandhi as well when we met hi
Delhi. We may not be here representing our community as
in the sense that we are not elected by them, but we do rep
a very big section, if not the entire community. In our
however, we are voicing the feelings of the entire communit
out a single exception. And the view of the whole commu
that our protection ought to be assured before we can be
any scheme of Provincial autonomy in the Punjab.

Sir P. Ginwala : I suffer from some disadvantages in
address this Committee. I was among the last to be appo
do not claim any long political experience like my other
this Committee do, but I do claim two advantages over
colleagues. The first is that I belong to a community w
asking for any special privileges. We are quite satisf
able to work in peace and harmony with our fell

men, and we are not putting forward any claims The second is rather a personal one I do not belong to any political association My duties have prevented me from taking any active part in politics for the last many years and therefore I claim that I am able to take a more detached view of the situation than most of my colleagues here

This Committee is concerned with two problems The first is the question of communal representation and the second is the safeguarding of minorities As regards the safeguarding of minorities we have not really got down to the question but it is agreed that safeguards should be provided that they should be adequate and that they should be satisfactory We have never got really down to what is intended to be accomplished by the provision of safeguards I take it that at some stage or other this Committee will go into that question

Meanwhile there is the question of communal representation It is no secret on what ground these negotiations fell through The question of communal representation has two aspects The first *is the representation of the minorities in those Provinces where the* Hindus are in a majority As far as I am able to judge, there is no problem there which will not permit of a satisfactory solution It appears that the Hindus will retain their majority in those Provinces in which they have a majority but they are willing to give such weightage to the minorities as may be necessary, but the principle is admitted that in those Provinces where they have a majority that majority shall be maintained The difficulty has arisen as regards those Provinces in which the Muhammadans are in a majority

Now what is the demand of the minorities in those Provinces particularly the Sikh Community? The demand as far as I can understand it is that the majority should either be converted into a minority, or that the majority should be compelled to accept the rights of a minority

Sardar Ujjal Singh That is absolutely wrong

Chairman I thought that would come and that is why I was up before Sardar Ujjal Singh himself I do not think at this moment we should enter into the merits or demerits of the controversy

Dr Ambedkar We are considering Mr Gandhi s proposition that this Committee should be adjourned *sine die*

Chairman Yes, we are considering that proposition as to what the future action of this Committee should be

Sir P Ginwala Well Sir if that is your decision, I have nothing further to say at this stage but I thought it was common knowledge and I was referring to that as a problem for the further discussion of which this Committee as a whole should give some lead

able, as I say, in that sort of way, but flowing from your own hearts and the result of your own agreements That is the thing that we have felt very keenly

Now, may I appeal to every representative here, to every individual and every representative of sections not to attribute your common failure to any method by which you have been elected, to your own personal shortcomings? Be honest and face the facts The communal problem is a problem of fact Does the problem exist in India or does it not? I do not answer it I leave you honestly to answer it for yourselves and to yourselves

Then, if the community problem does exist how can it be discussed with a view to a settlement if possible, either in India or here? Now, my Indian friends you have been brought up on and taught to follow the principles of representative institutions Supposing the Government of India or the Government here had surveyed India with a blank mind as to what political organisations and political leaders are in India and had said We put you all on one side, we do not recognise any of you or any of the organisations which you represent but we considering what we imagine to be a sort of mass movement unorganised very largely, select A and B and C from that mass movement What would you have said? What would Mr Gandhi have said? What would Dr Moonje have said? You would have said that it was one more illustration of how the British Government acts in an arbitrary way

We did not do that We believe in democracy but democracy is not a mere crowd you must go another step and define your democracy We believe in representative democracy There is not a man nor a woman here whose name whose actions whose reputation and whose status have been gained independently of organisations However difficult it may be to get organisations with historical memories of conflicts and so on to come to agreements I say as a practical politician that you have got to face those difficulties because you will never solve your problem until you have faced them and until you get your organised masses in agreement with whatever the solution is

Do not let us go away therefore and say it is the composition of this Conference or the way in which you were selected that is to blame for it all The blame is that the facts are presenting difficulties which you have not yet managed to overcome

Mr Gandhi said quite truly that the word defeat is not found in his dictionary Nor is it found in mine nor I hope is it found in yours You have met with a rebuff Well there was a very famous King of my country who met with six very serious defeats and I would advise you who like to contemplate the mysterious things of nature to go and take his experience into account

Lying in a cave one day he saw a spider make six attempts to get to the point where it wanted and it was baffled and failed and it made a seventh attempt and it succeeded I do not know how many times you have been baffled in trying to get to an agree

ment, but do remember that no great achievement has been accomplished at the first, the second or the third attempt, and you had better go on trying to take your own responsibilities upon your own shoulders and see if an agreement can be come to.

There is another point I want to put to you. Will any of you tell me, quite honestly, that the continued existence of this problem unsolved can be overlooked either by yourselves if you were drafting your own constitution or by His Majesty's Government if it were trying to draft a constitution for you? I bring you up against facts. You know perfectly well—especially every one of you who has been in public life and has faced the practical problems of public life—you know perfectly well that whilst this problem is unsolved it puts an enormous obstacle in the way of constitution-making for India, not simply because that constitution must be drafted by His Majesty's Government under present circumstances, but supposing I said to you on behalf of the Government, and supposing Parliament agreed, "Take the business over to yourselves," why, you know perfectly well that you could not go six inches without coming to a deadlock. You could not go six inches without coming up against difficulties, and all those general phrases about your going to settle it in this way or that way—what is the difference between those phrases and what we are doing now? There is no difference at all. His Majesty's Government at the present moment is doing its very best on the lines of those phrases and those aspirations to get you to an agreement: and you have reported to me this morning, and to my colleagues this morning, that you have failed.

Well, what I would suggest is this. Leave me to call the next meeting of this Committee. That is not adjourning *sine die*, I can assure you, but you know that there are certain events going on here—which I am really very sorry to say (and I have felt this all through since you came) are bound not only to take a good deal of my thoughts to themselves but also will necessitate occasional absences from London on my part for the next fortnight or just a little over.

Let us adjourn, and I will call you together again. In the meantime what I would like would be if those of you who are sitting opposite me, the representatives of the small minorities, would also try your hands.

If there are any common agreements among yourselves I would suggest that you circulate them. But I must say this. We cannot here settle the business of the Federal Structure Committee. The Federal Structure Committee must meet itself and decide what it is going to do under certain circumstances, and that will be reported to me, as Chairman of the Conference, in due time, and then we will work at it. But do believe me, we are determined to have a success of this Round Table Conference if you allow us to have that success. It is not the British Government that is going to stand in the way of any agreement. If I disagree a little bit—not very much—with what has been said about what we should do in telling you what we propose to offer, why, my friends, what has

been the promise that we have given you from the very beginning? Has it not been that we would not make up our minds in definite detail until we consulted with you? Do you suggest now that in the middle of this consultation we should break off and then produce a document, and produce proposals? I do not want to do that with you Who does? You know perfectly well that there is one very serious difficulty in that way If a Government produces its proposals, well, that is as near a last word as the circumstances of creation will allow anybody to say a last word on anything Surely you ought to bend all your energies to bringing before us proposals that have been discussed amongst yourselves and discussed with us—proposals which have been examined regarding their real meaning in relation to government examined regarding the question as to whether they can work or cannot work, because we do not want a constitution which is a machine which will never work at all whatever power you put in behind it a machine the very mechanism of which means a deadlock You do not want that We certainly do not want it

Therefore what I would like you to have in your minds, after the rather depressing statements to which we have listened is this That the British Government wants to go on, the British Government wants you to go on The British Government will take its action if you cannot go on to an end, because we are determined to make such improvements in the government of India as will make the government of India consistent with our own ideas—as will make the government of India something that is capable of greater and greater expansion towards liberty That is what we want I appeal to the Delegates here to day—Delegates representing all communities—Do not stand in our way, because that is what is happening

(*The Committee adjourned at 12 40 p m*)

PROCEEDINGS OF THE TENTH MEETING OF THE MINORITIES COMMITTEE HELD ON FRIDAY, 13TH NOVEMBER, 1931, AT 10 A M

Chairman My friends, I feel that so far as this Committee is concerned we ought now to make our reports to a Plenary Meeting of the full Conference, so that the work may be wound up and so that the Government may be in a position to make, as it did at the end of the first phase of the Conference, a statement of its own position

We are practically in a position to do that now Before doing so the Committees will have to terminate their work and present a Report to the full Conference and then the Conference may like to make certain observations on behalf of individuals or on behalf of communities When that is done the Government will indicate what view it takes of the situation

As regards this Committee I am profoundly sorry that a complete agreement has not been reached, because I want to emphasise

[illegible] that every one of you agrees with [illegible] towards the setting up [illegible] the problem of community representation, [illegible] protection and so on. How the [illegible] to be constructed, how the constituencies are to be [illegible] and allotted? I am sure none of you can conceive of a [illegible] constructed without that foundation [illegible].

The work of the Committee, therefore, was from the very beginning of supreme importance, and I am sorry that you have been unable to present to us an agreed plan.

Last night, however, I received a deputation representing the Muhammadans, the Depressed Classes, at any rate a section of the Indian Christians, the Anglo-Indians and the British community. I think that is the complete range. They came and saw me in my room in the House of Commons last night with a document which embodied an agreement that they had come to amongst themselves. They informed me, in presenting the document to me, that it covered something in the [illegible] of 46 per cent. of the population of British India.

I think the best thing would be, as we have had no time to consider this, to treat this document as a document which is official to the record of the Committee, and in order that that may be done I shall ask His Highness The Aga Khan formally to present it here, so that it may be entered in our official record.

H.H. The Aga Khan: Mr. Prime Minister, on behalf of the Muhammadans, the Depressed Classes, the Anglo-Indians, the Europeans and a considerable section of Indian Christian groups, I present the document embodying the agreement which has been arrived at between them with regard to the intercommunal problem with which the Round Table Conference in general and the Minorities Committee in particular are concerned. We desire to make it clear that this agreement has been arrived at after careful and anxious consideration of this difficult and complicated problem and must be taken as a whole. All parts of the agreement are interdependent, and the agreements stands or falls as a whole.

Chairman: Unless there are any observations to be made upon the situation, what I propose to do, as Chairman of this Committee, is just to report to the Plenary Meeting that we have failed to come to a complete agreement, to inform the Plenary Meeting that this document has been handed in, and I will, as Chairman of the Committee, again officially hand it in to the Plenary Meeting itself. That will put the whole thing in order, and it will be passed over for the Government to consider the situation.

I do not think I need say anything more myself at this stage. We have all done our best. I have been more anxious than perhaps some of you can imagine that we should succeed in clearing out this fundamental obstacle, but all I can say at the moment is that the

Government will not allow this obstacle to stand in its way in carrying out its pledges to India. I hope that the statement I shall be authorised to make by the Government at the last meeting of the Plenary Session will be such as to assure all of you that the declaration I made to you at the end of the first Session of the Conference holds good, that the British Government's intention is sincere and firm to do to India what it believes is right and that the detailed intention is precisely what it was when we asked you to come here and when we said a temporary good-bye to you at the end of the first Session.

I believe, my Indian friends, you will find that that is so when the declaration is made, but of course the declaration before it is made must become the official declaration of the Government. I am not in a position to make that declaration at the moment, but it certainly will be made within the next few days and before we disperse the whole of the programme, the ideas and the intentions of the Government will be made plain.

Sardar Ujjal Singh: Mr. Prime Minister, I have no desire to make a speech or to make any observations at great length. What I want to point out, Sir, is this, that yesterday I, on behalf of us two Sikh Delegates, circulated a small memorandum stating the Sikh point of view and the Sikh demands. I wish that that memorandum should form a part of the proceedings of this Committee.

I beg to present this memorandum formally.

Then, Sir, with regard to this agreement arrived at by some *minorities and the Muhammadans, I only wish to say this much*, that the representatives of the Sikh community, which is an important minority in the Punjab, were not at all taken into confidence in the discussions and the negotiations which were carried on between the representatives of the Europeans, the Anglo-Indians, the Depressed Classes and the Muhammadans. Sir, it does not reflect the minority point of view. As a matter of fact it only reflects an agreement between minorities of other Provinces and the Muslim majority in the Punjab. I should say it is a tragedy that the minorities of other Provinces should have made common cause with the majority community of the Punjab and should have dictated terms to minorities in the Punjab. I take strong exception to this, and I say very emphatically that this document does not meet the need of the situation and is entirely unacceptable to the Sikh community.

I should go further and say, Sir, that it is wrong to suppose that this form of agreement can afford a real solution of the communal problem. An agreement of a so-called 46 per cent. of the population of the minorities is a sort of camouflage. We did not come here to arrive at an agreement on these important questions by majorities or by majority vote. It ought to be an agreement of the various interests concerned. If the various interests concerned cannot come to an agreement we can only say here that we have failed to come to an agreement. I say it with great regret,

that, in spite of our best efforts, we have not been able to come to an agreement. But I cannot submit to a sort of document which does not take note of the position of the Sikh community in the Punjab, which only seeks to create majority rule, not the type of majority rule that exists in parliamentary countries or in those countries where democratic institutions exist, but a sort of procedure which will establish a permanent rule of one community unalterable by any appeal to the electorate. Based on separate electorates, it seeks to partition India into various compartments. It seeks to establish the rule of one community in the Punjab, a rule entirely of one community in Bengal, a rule of one community in certain other Provinces. It is not democratic rule at all; it is a negation of the democratic principle, the very negation of the parliamentary system. Now, Sir, if you just look into the merits of this document you will find how most unfair this document has been to the Sikhs and other communities who are not a party to this alliance.

Turning to the figures given in the table at the end of this document you will find that the Muslim minority in the various Provinces is given heavy weightage in their representation in Provincial Councils. In Bihar and Orissa, with 11 per cent. of population they have a representation of 25 per cent., *i.e.*, 130 per cent. weightage; in the United Provinces with 14·8 per cent. population they are given 30 per cent. representation, *i.e.*, 110 per cent. weightage; and in the Central Provinces with 4·4 per cent. population they are given 15 per cent. representation, *i.e.*, 250 per cent. weightage. The Anglo-Indian minorities, with a population of ·02 per cent. in the Punjab are to get as much as 4,000 per cent. weightage. The Europeans are given weightage varying from 3,000 per cent. to 9,000 per cent. in different Provinces. This is a sort of alliance to share a booty taken from other people. They have no right to dictate terms to the minorities in the Punjab, but they have made an alliance whereby they get an advantage of 9,000 per cent.

Sir, I strongly object to this sort of treatment meted out to my community, and I say that this document, far from making it possible for us to come to an agreement amongst ourselves, will make a solution of this most important problem almost impossible. It seeks to encourage those who have been most unreasonable; it seeks to encourage the communities who have in fact stood out against India's advance to stick to their demands, and it will in that way make a solution of this problem almost impossible.

Chairman : May I draw your attention to one point so that the discussion may not proceed on unreal lines? The statement I made to you was this, that the Report which I make to the Plenary Session is not in favour of any of the documents which have been handed in, neither Sardar Ujjal Singh's document nor the other. The Report I make to the Plenary Conference, I regret very much to say, is that we have failed to come to an agreement. In the discussions that may proceed, will speakers please keep that fact in mind?

Sir Provash Chunder Mitter I have submitted three memoranda with regard to Bengal, and I desire that they may form part of what is submitted

Dr Ambedkar We too, have circulated memoranda which we would like to be part of the proceedings

Raja Narendra Nath I also submitted on the 4th November schemes with regard to the Hindu minority and I should like that document also to go forward So far as the agreement produced before us is concerned I fully support the remarks made by Sardar Sahib Ujjal Singh

Mr Joshi On behalf of Labour I also wish to present a statement which has the support of my two colleagues, Mr Shiva Rao and Mr Giri setting forth the point of view of Indian Labour on this question

I should like to make one comment on the document which has been circulated by what are called the minority communities and that comment refers to the last page of the document in question where in paragraph 4 it is said —

> No representation is provided for Commerce Landlords Industry Labour etc it being assumed that these seats are ultimately communal and that communities desiring special representation for these interests may do so out of the Communal Quota

Mr Prime Minister, I cannot agree to the statement that these interests are ultimately communal So far as the Labour interest is concerned, I have always maintained not only on behalf of Hindu Labour Christian Labour or Muslim Labour but on behalf of all Labour that its interests are not communal in the sense that they have anything to do with religion or with race I maintain on behalf of all the workers in India that their interests are economic interests and have nothing to do with religion or race

I therefore feel that the signatories to this document have not done justice to the workers in India either the Hindu workers or the Muslim workers or the workers belonging to the Depressed Classes They say communities desiring special representation for these interests may do so out of the Communal Quota ' but it is not a question of the Muslim community or the Hindu community or the Christian community desiring to protect the interests of the Muslim workers or the Christian workers or the Hindu workers It is the workers as a whole who demand that their interests shall receive proper consideration and proper protection

We therefore do not agree with the proposal made in this document because we feel that even if the communities agree to give representation to the workers on a religious or racial basis that will necessitate the division of our organisations on the basis of religion or on the basis of race We are not prepared to have our organisations broken up on the basis of religion or on the basis of race We would desire Mr Prime Minister that the representation to

given to Labour should be given to Labour as a whole, so as to enable us to maintain our organisation in a position of strength and solidarity, based on economic interests alone.

We will gladly forego, if it becomes necessary, our special claims, if people force us to divide our ranks on the basis of religion or race. We will keep up our organisations and forego the special representation which may be given to us on the basis of religion or race. If Labour is strong, Labour will get its due by the strength of its organisations, even without special representation in the Legislatures. I therefore wish to make it quite clear on behalf of the workers that we are not willing to have our ranks divided in order to get special representation in the Legislatures.

Dr. Datta : I very greatly regret to have to inflict myself on this Committee. I hope the proceedings will be short this morning, but unfortunately I find myself in a very difficult position. There has appeared in the Press this morning a notice regarding this agreement which has been reached between certain minorities, and the post this morning brought to me the record of the text of this agreement. I have not yet had time, however, to study it.

I myself am supposed to be one of the representatives of the Indian Christian community and I should like to say that I find myself in disagreement with this method of approach to the problem. I am a newcomer to this Committee, having been appointed only last September, and, being a member of this Committee, I have had only two occasions when I might have had an opportunity of stating my views.

In the first place, I believe that a religious community can ask for only two things in the matter of protection. It can say that it wants freedom for worship, and the other thing it can say is, "We desire that we should not be discriminated against because of our religion." Those, and those alone, are the demands we can make in the name of a religious community—nothing more. In the second place, I feel that this fragmentation of India into religious communities is going to have the most disastrous results on our future. I have seen it growing. I have seen the demand growing, and it has been growing ever since 1906, as far as I know, and every time the constitution has been changed this principle has been widened; more and more people have come into it. I came, during 1918, into friendly touch with Lord Southborough, who was going out to India as head of the Franchise Committee, and I happened to travel part of the way with him. I remember on that occasion making the plea that this principle should not be extended to the Christian community in India. I had hoped that he would have resisted it. It was actually accepted for the Madras Presidency, a certain number of seats being reserved for the Christian community, but in no other part of India. On this occasion the demand comes that that should be applied to other parts of India also, and I find myself, unfortunately, in disagreement with my colleague, who, I may say, has treated me extremely generously. We

differ fundamentally on the matter of principle There is nothing personal between us in this matter at all

Sir I wonder whether we can ever get agreement as far as we are concerned on these claims, such as communal representation and the figures of weightage I do not think we can possibly get it The demands that have been made to my mind in many parts of India have been preposterous and I feel that I must dissociate myself from them

Then, Sir, there is another matter to which I would bring your attention specially There are some of us in India who have been brought up with a fierce belief in voluntaryism in religion and you will sympathise with me Sir in that I believe that there is an infringement of my rights when the State says to me You shall vote in a particular constituency What if I say I have got no religion? Does not mean I am going to be disenfranchised? I shall have no vote It is perfectly open to me in India to return myself in the census as having no religion I lose my vote I cannot be elected to the Legislature Supposing a Christian member of the Legislature for private and personal reasons did become a Muhammadan would he then vacate his seat? He probably would even as an undischarged bankrupt or a person who had committed a felony would be compelled to vacate his seat on the same grounds and for the same reasons, and I want to protest against that

There is one other matter which makes it even more serious I say that the Muhammadans are entitled to respect in their demands In certain parts of India they are the majority and we do not want them to be turned into a minority I quite agree I feel that there is substance in that demand Now what have we done? We have gone to this large community—which sometimes I feel though a quantitative minority often acts as a qualitative majority—and we have said to them Here will you protect us in our interests? The situation is quite different in the Madras Presidency Let those communities which have fears—the Muhammadans the Christians all the small minorities in the Madras Presidency—come together and let them try the idea of a common electorate among themselves to protect their interests

In North India the position is reversed There you have a Muslim majority in the Provinces of Bengal and the Punjab—the two Provinces which I know best If I may say so we have discovered that it is not possible for the Muslim community to protect our interests Shall we then be compelled to throw ourselves back on the Hindus? Ought not negotiations in those Provinces to be taking place between the Hindus and ourselves and in other Provinces between the Muhammadans and ourselves? It seems to me that the whole relationship is very artificial

Therefore Sir in conclusion I wish to say that I disapprove I mean to say I am afraid I cannot accept this particular arrangement I am sorry to find myself in that position I might have

been willing to negotiate—shall I say—purely on the question of some sort of method by which the smaller communities could have been distributed according to their economic interests. Therefore I support Mr. Joshi. There is no difference between a Christian working-man who drives an engine or puts a rivet into a rail and a Muhammadan doing the same work. I believe Mr. Joshi's method is far sounder than any other method which has been found to date, and I, for one, would be willing to support Mr. Joshi.

Secondly, I want to make it quite clear that, as far as I am concerned and the portions of the community whom I represent, we shall not consider ourselves bound by any agreement that has been arrived at. I want to say that emphatically and clearly. But I would like to add this personal remark, that the relations between me and my colleague are not in the least degree strained; we have both stood for definite principles and we have agreed to disagree on those two things.

Sir Henry Gidney : Mr. Prime Minister, before I make a few remarks on this matter, I should like to tell you that on the 19th January of this year I presented a Declaration of Rights for all minorities, as also the Anglo-Indian community, embodying almost the entire principles underlying the memorandum we have submitted to-day. And, Sir, I would like, with your permission, to represent that document so that it may form a part of the proceedings of the Conference, which it does not at present.

Sir, it is very unnecessary for me to enter into any details as regards that memorandum. We are all in agreement. But I do wish to state here and now that we have taken, I think, every means of getting the Sikhs and other minorities to join us in this memorandum. Indeed, I go so far as to say that I personally have had many consultations with the Sikh member, and the Sikh member was in possession of our memorandum about three or four days ago. I am sorry that our Sikh brother has not been able to agree to the memorandum, and that he has taken such serious objection to the weightage and the protection for which we, as minorities, have thought it fit to ask.

When we started these proceedings with a view to coming to some unanimous agreement, it was Dr. Datta and I who visited His Highness The Aga Khan at his residence. This was the result of a formal meeting some of us had at Mahatma Gandhi's office; and I do believe, if my memory serves me right, that Dr. Datta was in agreement with me that if we could only come to some amicable terms of arrangement with the Muhammadans, the minorities would feel some sense of protection.

Dr. Datta : I do not agree with that.

Sir Henry Gidney : I am sorry that Dr. Datta should now take a different line. Speaking for the small minority I represent, I am pleased to say we have come to an agreement. I am pleased for two reasons. One is that this memorandum in the main embodies the Declaration of Rights that I submitted last year to this Confer-

ence and secondly because we the minor minorities have received from the Muslim community unmistakable evidence of a high sense of loyalty and attachment to us in our needs and I take this opportunity to offer to them on behalf of the other minorities our grateful thanks for their loyalty and adhesion to us during these very difficult proceedings

Raja Narendra Nath They were secret meetings

Sir Henry Gidney There has been no secrecy about these meetings All the minorities were able to come to the meetings Many of them knew they were being held and the mere fact of their keeping out shows that the problem as far as they were concerned was insoluble while as far as we were concerned it was soluble We have made a serious effort to get together Sir and we have presented you with a document which I believe represents the views of a very large section of the Indian population

Last year when this combined action of the minorities was suggested by me it was not accepted This year we have to thank the statements made at this Conference for refusing to recognise the minorities in any settlement and that has bound us together and we now feel we have a common tie uniting us We have presented this to you with the earnest desire that you Mr Prime Minister and the Cabinet will give it serious consideration

Sir Hubert Carr I should like to explain the remark made by Sardar Ujjal Singh I think he has got an entirely wrong view of the memorandum we handed to you There was no question so far as I know from the beginning of the negotiations which led to this common agreement of dictating to any community or laying down for any community what that community should want What we have done was brought about very largely by the failure of the informal Committee which sat under the chairmanship of Mr Gandhi and really I have to thank Mr Gandhi for his share in bringing the minorities together It was the refusal to allow [illegible] send our representatives through separate electorates to the [illegible] latures of India and the Provinces which made it e[illegible] to get together

You have yourself said Sir that in order to [illegible] tution workable and acceptable all parties mu[illegible] it and several of the smaller minorities as well [illegible] perfectly well that unless we have separate [illegible] send our chosen representatives to the Pa[illegible] consequently we shall not have that full [illegible]

[illegible]

would ask members to see the [illegible] attempted to cut India up [illegible] permanent basis but we [illegible] the position to day d[illegible] tremendous distrust [illegible]

great. We are recognising in this memorandum those differences. We are accepting them temporarily, and we are trying to overcome those difficulties by getting together and putting forward a scheme whereby for 10 years we shall have a chance of sending up our chosen representatives.

They will get round the table, and I ask those who are the chief critics of this scheme whether they really think that when all of us get round the table, with big national questions before us, in ten years those questions will not do much to cut across the communal differences. I claim that, far from making water-tight compartments in India, we have made a definite constructive suggestion for getting away from the present difficulties and moving towards the unity of India later.

Now, in doing so there has been no question of loot. I do not suppose for one moment that in trying to arrange the percentages amongst people who sometimes wanted a 140 per cent. out of 100 we have been able to satisfy everybody, but I do claim that the figures put forward are reasonable.

Now, my friend, Sardar Ujjal Singh, accused me and my community of taking 9,000 per cent. weightage. I have not worked it out, but if his figures are correct he should mention that in the past we had 12,500 per cent. weightage, so that we have given up 3,500.

On the other hand, so far as the Sikhs in the Punjab are concerned, we have increased their weightage by 54 per cent. from what they enjoy at present, in an effort to try to meet them. I am not suggesting they will agree with what we have done. In my discussions with them they have suggested that it is quite impossible for them to agree on any basis where the Muhammadan is in the majority, even though he is in the majority of the population. I do claim, however, that the suggestion we have made is not entirely unreasonable.

There is only one other point with regard to which I should like to give an answer to my friend, Sardar Ujjal Singh. If I heard him rightly, he suggested that in Bengal and the Punjab the whole country was being put permanently into the hands of the Muslim majority. I can only ask whether it is possible that any country is going to be ruled for very long by a majority of one. The Muhammadans get only 51 per cent. under our suggestions in each Province.

I do not think I have anything else to add. The memorandum, as I see it, is not entirely exhaustive; for instance, we have not touched on the question of Second Chambers, which, many have suggested, may form a suitable arrangement in various Provinces; but these Second Chambers would be in conformity with the lines which we have suggested as a fair distribution of representation among the various communities.

I ask this Committee to accept it that I am not speaking only for myself here; I know I may speak for the other minorities,

with whom I have had the pleasure of working, when I say this is considered to be and meant to be by us, a constructive suggestion for overcoming the present deplorable deadlock which, when we last met, was considered so insuperable that it was suggested the Committee should be adjourned *sine die*

Dr Moonje Sir the document that was presented by His Highness The Aga Khan to this Committee this morning reached my hands only a minute or two before I was due to leave for the meeting of this Committee I am not therefore at present in a position to make any kind of statement or any kind of comment on the details of the scheme but from the remarks that I have heard here it seems the chief characteristic of that document appears to be separate electorates and weightage to which what qualification I could apply at this time I am at a loss to know because it has been calculated that a weightage of 3 000 times has been given in some cases and 9 000 times in others I am not in a position therefore to say what the percentage weightage is but I can quite understand that the two points on which that document is based are separate electorates and an excessive amount of weightage I think it may be well to make the position of the Hindu Mahasabha quite clear The Hindu Mahasabha will never agree to separate electorates and they will never agree to any weightage being given from the Hindu community

The third point that has been made clear from the remarks is that the document says a communal government by a communal majority by law should be established in two Provinces the Punjab and Bengal To that the Hindu Mahasabha will not agree Unfortunately it seems that it has entirely passed out of their minds that the Hindus in Bengal and the Punjab also form a minority community and therefore deserve some kind of protection These are matters of detail which I have not been able to study from the document and therefore I cannot say more at this stage

A statement of the position of the Hindu Mahasabha was presented last time in this Conference Unfortunately it was not published in the reports, probably through an oversight but a promise has been given to me that it will be published in whatever reports may be issued later I therefore repre ent the same statement of the Hindu Mahasabha for publication in the Report and I take advantage of the opportunity you have given us of handing in a supplementary statement to this statement

To these few words I have nothing more to add

Mrs Naidu Mr Prime Minister I do not wish to detain this Committee very long but only to say one or two words You are aware that among other things I am the official representative of the women's organisations in this as embly and I wish to strike a pleasant note in the midst of many discordant ones Where so many communities representing minorities have asked for special or separate protection, I have a proud mandate from a large section of the women of India who not only disclaim any special protection,

concession or favour, but have ordered me to resist any demand for any concession, have ordered me in their name to refuse to accept any indirect or direct means of preferential treatment, no matter how influential or illustrious the support it might receive from the mere men in this Committee. It is alleged—I do not know how accurately—that my great leader, Mahatma Gandhi, is among those mistaken people who are willing to give a chivalrous assurance to the weak-kneed women of India that they will give support to them in any claim they may make for indirect concessions. I have great pleasure in resisting his claim to represent the women of India in any way. In this matter he must take my guidance and not I his. I therefore wish it to be noted, on behalf of the three great organisations which I represent, and which make claim to represent the collective view of the women of India who are engaged in public work of any kind, that they will not accept any concession in the way of co-option, nomination or reservation of seats.

My colleague Mrs. Subbarayan, has, I know, issued a very able minority memorandum which I am sure you will duly consider. We have already circulated the memorandum on behalf of the organised public opinion of the women of India, which I am sure the Government will also consider. And, without taking up your time any further, may I ask that you will record my claim on behalf of the women of India, that they do not wish to complicate the issues in any fashion, but to set an example by disclaiming any effort to give them preferential treatment because of their sex? We do not wish for sex discrimination either against or on behalf of the women of India.

The Nawab of Chhitari: Sir, a confession of failure is humiliating indeed, and it is true, as you mentioned, Sir, that we have not been able to come to a complete solution of the communal problem. Standing here to-day, I do not wish to say anything on behalf of the Muhammadans. My respected leader, His Highness The Aga Khan, has put forward the agreement arrived at between Muhammadans and some other communities. Having made that quite clear, I want to submit that the communal differences, when one looks at them carefully, are not quite so formidable in reality as they appear to be outwardly. His Highness The Aga Khan in presenting this Conference with an agreement has shown that it is backed up by 45 per cent. of the community. If we read the resolution of the Working Committee of Congress on the communal question together with the resolution of the All Parties Muslim Conference—I do not wish to refer to any private negotiations—we find that a careful scrutiny will show that in fact the differences are not quite so wide as would at first sight appear. The points of difference have been narrowed down very much.

My special purpose in speaking to-day is to put forward the case of another small class, if not a community. I mean the landlords. I wish to submit that during the last year conditions have arisen in India which have caused the owners of the land a good deal of alarm. There was agitation which was of course due to

economic troubles, but at the same time certain phases of the unrest were such that they caused them a lot of anxiety and the British Indian Association has passed a re olution asking landlords at the Round Table Conference to beg the Minorities Committee to insist that in the Fundamental Rights a guarantee for the right of private [illegible] should also be included In the Nehru Report this guarantee was given and I see nothing against it I do not demand it only for the landlords In fact it is essential for everybody who possesses anything in the country that his position as to his property should be guaranteed That is the only point that I wanted to make on behalf of the landlords here I may put their case about other safeguards on some other occasion as I do not think the Minorities Committee has anything to do with the constitution of the future Government as to whether it should be bicameral or unicameral

Begum Shah Nawaz Prime Minister last year in your concluding speech you said that we had spoken here subject to reconsideration and subject to the re[illegible]tion our public opinion would show to our work When I went back to my country I was surprised to find that the proposals that Mrs Subbarayan and I had put before you on behalf of our country women were not acceptable to them Women belonging to almost all castes creeds and sections said that they were not prepared to accept any special qualification or allocation of seats Wherever I went in Bombay in Delhi in Lahore in Simla in Mussoorie Aligarh and Ambala almost all the women —at least 90 per cent of the educated classes—said to me that in asking for these special qualifications in our proposals we had not asked for what they wanted us to secure for them As you are aware last year we did not come with any mandates and in consultation with some of our sisters here we put forward those proposals But representative meetings have now been held almost all over the country and especially in Bombay and Lahore and we have been asked to place before you this memorandum which has been circulated to the members of this Committee on behalf of the women in India I have to submit for your consideration Sir that [illegible] of the women of my country belonging to all cl[illegible] will [illegible] any special treatment or qualification which [illegible] sex inferiority This is the mandate we have [illegible] what I place before you I am an original member [illegible] Women s Conference I have also been [illegible] Organising Committee for the last [illegible] presiding at the Western Punjab C[illegible] Therefore it is my duty rather [illegible] that we the women of India [illegible] cation of sex with regard to our [illegible]

Sir Chimanlal Setalvad I [illegible] of the Committee s time on [illegible] corner of the table We [illegible] not belong to any comm[illegible] cal group which is [illegible]

country, and being such a group, we venture to submit that the course you have indicated for the future sittings of the Plenary Session is not calculated to serve the end for which we have all assembled here. It involves this, that the Federal Structure Committee will practically come to an end. We shall not further proceed to the consideration of the vital questions of Finance, Defence, and other constitutional matters. The Plenary Session will be held, and after a general talk we shall disperse. It is much to be regretted that this is going to be the end of this Conference, which has been looked to in the whole of India with very anxious eyes. All the expenditure involved in all the Delegates coming overseas last year and this year will practically end in nothing. We venture to submit, therefore, that instead of taking the course you are indicating, namely, to report to the Plenary Session a failure, to stop the further work of the Federal Structure Committee, to stop in fact all discussions with regard to Financial Safeguards, Defence, the Army, and other vital constitutional questions—instead of this, that you, Sir, the Prime Minister, should decide the difficulties of the communal question and report your decision to the Plenary Session, which need not be called as early as you have indicated, but a little later, so as to allow the Federal Structure Committee to deal further with the essential and vital questions with regard to which the whole of India is concerned.

Nor should you, Mr. Prime Minister, feel any hesitation in taking on yourself the burden and the responsibility of deciding the communal problem, because when we began last year, as you are all aware, failure in this direction was not unanticipated. We put forward our best efforts, both last year and this year; and, when you come to the merits of the difficulties that have arisen from the communal question, I think there is considerable misapprehension existing in the minds of many people. It is made to appear as if all these communities are disagreed on almost every point, that they are hopelessly at logger-heads. That is, I submit, far from the truth. If we properly analyse the situation, I venture to say that we shall find that the points of disagreement are much fewer than the points of agreement.

Take, for instance, Mr. Prime Minister, the real and vital protection that the minorities require—protection for their religion, protection for their culture, a proper place for their members in the Services, and so on. With regard to these matters, various formulas were thrashed out last year and practically agreed to, and I find in the statement which His Highness The Aga Khan has submitted some of those formulas have been adopted verbatim.

If, therefore, we have regard to the essential and vital protection that the different communities need, we shall find that there is considerable agreement amongst the members of the Conference. The difference, as I have ventured to point out in the note which I have circulated to the members of this Conference, can really be narrowed down to the difficulty which exists and which has to be faced with regard to the Punjab and with regard to Bengal.

It should not prove impossible to find a solution for that difficulty It should not be difficult, to my mind for you, Mr Prime Minister, with all the experience and knowledge of political affairs that you have gained in your varied life and knowing intimately as you do now the minds of the people assembled here to come to a decision which may be fair and impartial to all concerned on the question of the Punjab and on the question of Bengal and if you solve that, everything will practically be solved

I do therefore appeal to you Mr Prime Minister, and I hope and believe that all the parties concerned will acquiesce in the idea that whatever points of difference are left or still exist between the various communities may be left to your judgment and decision I do not think that any party should have any hesitation in entrusting that decision to you having confidence in your political sagacity and impartiality

As I say in view of events since last year and of all the study of the details and intricacies of this problem it should not take very long for you Sir to come to a rough and ready decision I implore you therefore to adopt that course if my brother Delegates here will support my suggestion that instead of throwing away all the work that has been done all this time and bringing the Federal Structure Committee s work to an abrupt ending as will be the case and leaving unsolved and unconsidered the vital problems of constitutional advance in the country the communal difficulty may be solved in the manner I have suggested Mr Prime Minister by yourself taking upon you the burden and the responsibility of giving a decision which everyone must accept Having done that proceed with the work of the Federal Structure Committee as originally intended go through all the vital constitutional questions that are awaiting solution and then call the Plenary Session to approve of that Report of the Federal Structure Committee

What I mean Sir is that this session of the Conference should not end without achieving what you started last year to achieve Let us before we disperse have the main features of the constitution hammered out let us have the framework of the constitution settled in a manner satisfactory both to India and to England

As I have said, as regards communal difficulties if we really and properly analyse them, they can be reduced to a very narrow compass indeed and in a spirit of generous give and take it should not be impossible to arrive at a solution even now We have tried, and we have failed in a manner which nobody can help regretting, but as I say, at this stage, in order to save the work of the Conference in order to secure to India at an early stage the constitution that everybody wants and hopes for the only course which is feasible is that this question of the minorities and the communal question should now be decided authoritatively by you Sir, the Prime Minister, and that then the work of the Federal Structure Committee should proceed

Mrs Subbarayan Mr Prime Minister I do not want to take up much of the time of the Committee Acting on the

suggestion that you made at our last meeting, I circulated a memorandum to this Committee on the subject of women's representation in the Legislatures. Briefly, it states the proposals that the women's delegation put forward last year; only I have made slight modifications to meet the divergencies of view among the women in India.

I regret very much that there is a difference of view among the women of India, and even among the women's delegation, but I think it is not strange to meet with differences of view among thinking women, just as there is difference of opinion among thinking men.

Mrs. Naidu and the Begum Shah Nawaz have explained to the Committee the claims, or rather the denial of any claims, put forward by the three important women's organisations in India, but I cannot admit the claim that their memorandum is supported by the whole womanhood of India, by women of all classes and communities. I know that there is a large body of educated women, women who have had practical experience of social, educational and political work in India, who do not support the memorandum issued in the name of these three women's organisations in India, but who feel that it is necessary to have some method to ensure the presence of women in our first few Legislatures under the new constitution, and these women have asked me to press this claim at this Conference just as I did last year.

Besides, it has been pointed out to me that this memorandum has not been fully considered by all the branches of these organisations. One of the organisations expressed a view different from the view expressed in this memorandum about two months before the memorandum was issued. And my friends who think like me feel that if the different aspects of the question are presented to these organisations they might modify their views.

Prime Minister, those who feel like me and have urged me to press this claim, agree with the women's organisations and my two colleagues here as regards principles. We do want equality; but at the same time we fear that the equality which may be given to us in the constitution may be, for some time at least, equality only on paper and not equality in actual practice. We feel that there is some confusion as to equality of opportunity and equality of rights. Equal political rights will not necessarily give women equal chances in open elections. We therefore feel that it is absolutely necessary that some method should be devised to ensure the representation of women on the Legislatures.

My friends, like me, Prime Minister, are realists; when we think of an ideal and are very anxious to achieve that ideal, we also think of practical steps to achieve that ideal, and do not allow ourselves to be swayed by mere sentiment and theories. Lastly, in putting forward this claim on behalf of those women and myself, we think not only of the interests of women but also of national interests in general, as we firmly believe that it is essential for our

Legislatures to have the co operation of women in the interests of national progress

With these few words Prime Minister I would formally request you to accept the memorandum that I had the privilege of circulating to the Committee and the Conference as an official document for the favourable consideration of the Committee and the Conference

Mr Gandhi Prime Minister and fellow Delegates it is not without very considerable hesitation and shame that I take part in the discussion on the minorities question I have not been able to read with the care and attention that it deserves the memorandum sent to the Delegates on behalf of certain minorities and received this morning

Before I offer a few remarks on that memorandum with your permission and with all the deference and respect that are your due I would express my dissent from the view that you put before this Committee that the inability to solve the communal question was hampering the progress of constitution building and that it was an indispensable condition prior to the building of any such constitution I expressed at an early stage of the sittings of this Committee that I did not share that view The experience that I have since gained has confirmed me in that view and if you will pardon me for saying so it was because of the emphasis that was laid last year and repeated this year upon this difficulty that the different communities were encouraged to press with all the vehemence at their command their own respective views

It would have been against human nature if they had done otherwise All of them thought that this was the time to press forward their claims for all they were worth and I venture to suggest again that this very emphasis has defeated the purpose which I have no doubt it had in view Having received that encouragement we have failed to arrive at an agreement I therefore associate myself entirely with the view expressed by Sir Chimanlal Setalvad that it is not this question which is the fulcrum it is not this question which is the central fact but the central fact is the constitution building

I am quite certain that you did not convene this Round Table Conference and bring us all six thousand miles away from our homes and occupations to settle the communal question but you convened us you made deliberate declarations that we were invited to come here to share the process of constitution building and that before we went away from your hospitable shores we should have the certain conviction that we had built up an honourable and respectable framework for the freedom of India and that it awaited only the imprimatur of the approval of the House of Commons and the House of Lords

Now at the present moment we are face to face with a wholly different situation namely that because there is no communal settlement agreed to by us there is to be no building of the constitu-

tion, and that as a last resort and as the last touch you announce the policy of His Majesty's Government in connection the constitution and all the matters that may arise from it. I ca help feeling that it would be a sorry ending to a Conference w was brought into being with so much trumpeting and with much hope excited in the minds and in the breasts of many peo

Coming to this document, I accept the thanks that have be given to me by Sir Hubert Carr. Had it not been for the remar that I made when I shouldered that burden, and had not it bee for my utter failure to bring about a solution, Sir Hubert Car rightly says he would not have found the very admirable solution that he has been able, in common with the other minorities, to present to this Committee for consideration and finally for the consideration and approval of His Majesty's Government.

I will not deprive Sir Hubert Carr and his associates of the feeling of satisfaction that evidently actuates them, but in my opinion what they have done is to sit by the carcase, and they have performed the laudable feat of dissecting that carcase.

As representing the predominant political organisation in India, I have no hesitation in saying to His Majesty's Government, to those friends who seek to represent or who think they represent the minorities mentioned against their names, and indeed to the whole world, that this scheme is not one designed to achieve responsible government, but is undoubtedly a scheme designed to share power with the bureaucracy.

If that is the intention—and it is the intention running through the whole of that document—I wish them well, and the Congress is entirely out of it. The Congress will wander no matter how many years in the wilderness rather than lend itself to a proposal under which the hardy tree of freedom and responsible government can never grow.

I am astonished that Sir Hubert Carr should tell us that they have evolved a scheme which, being designed only for a temporary period, would not damage the cause of nationalism, but at the end of ten years we would all find ourselves hugging one another and throwing ourselves into one another's laps. My political experience teaches me a wholly different lesson. If this responsible government, whenever it comes, is to be inaugurated under happy auspices, it should not undergo the process of vivi-section to which this scheme subjects it; it is a strain which no Government can possibly bear.

There is the coping stone to this structure, and I am surprised, Mr. Prime Minister, that you allowed yourself to mention this as if it was an indisputable fact, namely, that the proposals may be taken as being acceptable to well over one hundred and fifteen millions of people, or about 46 per cent. of the population of India. You had a striking demonstration of the inaccuracy of this figure. You have had, on behalf of the women, a complete repudiation of special representation, and as they happen to be one-half of the

population of India this 46 per cent is somewhat reduced but not only that the Congress may be a very insignificant organisation but I have not hesitated to make the claim and I am not ashamed to repeat the claim that the Congress claims to represent 85 per cent or 95 per cent of the population not merely of British India but of the whole of India

Subject to all the questions that may be raised I repeat the claim with all the emphasis at my command that the Congress by right of service claims to represent that population which is called the agricultural population of India and I would accept the challenge if the Government were to issue the challenge that we should have a referendum in India and you would immediately find whether the Congress represents them or whether it does not represent them But I go a step further At the present moment if you were to examine the register of Congress if you were to examine the records of the prisons of India you would find that the Congress represented and represents on its register a very large number of Muhammadans Several thousand Muhammadans went to goal last year under the banner of Congress The Congress to day has several thousand Muhammadans on its register The Congress has thousands of Untouchables on its register The Congress has Indian Christians also on its register I do not know that there is a single community which is not represented on the Congress register With all deference to the Nawab Sahib of Chhitari even landlords and even mill owners and millionaires are represented there I admit that they are coming to the Congress slowly cautiously but the Congress is trying to serve them also The Congress undoubtedly represents Labour Therefore this claim that the proposals set forth in this memorandum are acceptable to well over one hundred and fifteen millions of people needs to be taken with a very great deal of reservation and caution

One word more and I shall have done You have had presented to you and circulated to the members I hope the Congress proposal in connection with the communal problem I venture to submit that of all the schemes that I have seen it is the most workable scheme but I may be in error there I admit that it has not commended itself to the representatives of the communities at this table but it has commended itself to the representatives of these very classes in India It is not the creation of one brain but it is the creation of a Committee on which various important parties were represented

Therefore you have got on behalf of the Congress that scheme but the Congress ... ar
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have ... to
accept any decision of an arbitration court I have myself ventured to suggest that there might be appointed by the Government a judicial tribunal which would examine this case and give its decision But if none of these things are acceptable to any of us and if this is the *sine qua non* of any constitution building then I say

it will be much better for us that we should remain without so-called responsible Government than that we should accept this claim.

I would like to repeat what I have said before, that, while the Congress will always accept any solution that may be acceptable to the Hindus, the Muhammadans and the Sikhs, Congress will be no party to special reservation or special electorates for any other minorities. The Congress will always endorse clauses or reservations as to fundamental rights and civil liberty. It will be open to everybody to be placed on the voters' roll and to appeal to the common body of the electorates.

In my humble opinion the proposition enunciated by Sir Hubert Carr is the very negation of responsible Government, the very negation of nationalism. If he says that if you want a live European on the Legislature then he must be elected by the Europeans themselves, well, Heaven help India if India has to have representatives elected by these several, special, cut-up groups. That European will serve India as a whole, and that European only, who commands the approval of the common electorate and not the mere Europeans. This very idea suggests that the responsible Government will always have to contend against these interests which will always be in conflict against the national spirit—against this body of 85 per cent. of the agricultural population. To me it is an unthinkable thing. If we are going to bring into being responsible Government and if we are going to get real freedom, then I venture to suggest that it should be the proud privilege and the duty of every one of these so-called special classes to seek entry into the Legislatures through this open door, through the election and approval of the common body of electorates. You know that Congress is wedded to adult suffrage, and under adult suffrage it will be open to all to be placed on the voters' list. More than that nobody can ask.

One word more as to the so-called Untouchables.

I can understand the claims advanced by other minorities, but the claims advanced on behalf of the Untouchables, that to me is the "unkindest cut of all." It means the perpetual bar-sinister. I would not sell the vital interests of the Untouchables even for the sake of winning the freedom of India. I claim myself in my own person to represent the vast mass of the Untouchables. Here I speak not merely on behalf of the Congress, but I speak on my own behalf, and I claim that I would get, if there was a referendum of the Untouchables, their vote, and that I would top the poll. And I would work from one end of India to the other to tell the Untouchables that separate electorates and separate reservation is not the way to remove this bar-sinister, which is the shame, not of them, but of orthodox Hinduism.

Let this Committee and let the whole world know that to-day there is a body of Hindu reformers who are pledged to remove this blot of untouchability. We do not want on our register and on our census Untouchables classified as a separate class. Sikhs may

remain as such in perpetuity, so may Muhammadans, so may Europeans Will Untouchables remain Untouchables in perpetuity? I would far rather that Hinduism died than that untouchability lived Therefore with all my regard for Dr Ambedkar, and for his desire to see the Untouchables uplifted with all my regard for his ability, I must say in all humility that here the great wrong under which he has laboured and perhaps the bitter experiences that he has undergone have for the moment warped his judgment It hurts me to have to say this but I would be untrue to the cause of the Untouchables which is as dear to me as life itself if I did not say it I will not bargain away their rights for the kingdom of the whole world I am speaking with a due sense of responsibility and I say that it is not a proper claim which is registered by Dr Ambedkar when he seeks to speak for the whole of the Untouchables of India It will create a division in Hinduism which I cannot possibly look forward to with any satisfaction whatsoever I do not mind Untouchables if they so desire being converted to Islam or Christianity I should tolerate that but I cannot possibly tolerate what is in store for Hinduism if there are two divisions set forth in the villages Those who speak of the political rights of Untouchables do not know their India do not know how Indian society is to day constructed and therefore I want to say with all the emphasis that I can command that if I was the only person to resist this thing I would resist it with my life

Chairman It is necessary that before we disperse there should be no misunderstandings again The documents which have been put in are not documents that have received the approval of this Committee of the Round Table Conference or of His Majesty's Government The documents placed before us officially represent the views of the communities and of those who have definite views on the subject of minority representation To take one illustration of what has happened I do not think it is fair for anyone here to say that because I reported to this Conference that I was informed last night by a deputation that they presented a document covering 46 per cent of the population of India that therefore I associated myself with that statement or in any way took up any relationship to it except to tell you that that was said to me last night

The document remains an official document which will be examined in the light of what has been said here now and it will be used like other documents for the guidance and enlightenment of those who settle down to deal with the details of the problem Please therefore do not allow any somewhat slight departure from accuracy to prejudice your minds or to be the origin of any political agitation whatever

I find myself—and I know my colleagues do too—very much in agreement with Sir Chimanlal Setalvad but we have again and again and again pressed that the Federal Structure Committee should discuss those subjects included in the class of safeguards—the Army, Finance and so on From inside the Federal Structure

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[illegible] itself, however, from that very Committee itself, we were informed that these subjects could not be dealt with in that Committee, and the movement to let it suspend its work for the moment came not from us but from the Committee itself.

Pandit M. M. Malaviya: Not from the Committee.

Several Members: From a section of the Committee.

Chairman: It is perfectly true it might be regarded as a section of the Committee, but then the other section declined to attend and discuss these subjects, according to my report. It is no doing of ours and it is no motion of ours that this should be the case; as a matter of fact, we are so determined to have your views on that that other means will have to be taken to get them. We are not going to deal with the subject of safeguards without knowing your views. We wish the whole Committee to express its views, including all the sections represented on the Committee, and we are not going to take any action without a very close examination of your point of view. The trouble has been to get it.

There is one thing I should like to assure my friend upon, and it is this. The work that has been done here is not to be wasted. The expression of views which has taken place here is not to be put on one side. The declaration made by the Government at the end of the last Session of the Round Table Conference holds good; the work will be proceeded with. I think I had better wait until I am really authorised to make a detailed statement and not anticipate it, because on further consideration there might be better suggestions made. We have put our hand to this plough, and our hand is going to remain on the plough until the end of the furrow. Make no mistake about that. That remains. We wanted the very closest co-operation. We have taken every step we could to get it, and we are as much disappointed as anybody else that the Federal Structure Committee, in the circumstances, could not, apparently, finish its work.

Now, my friend (Sir Chimanlal Setalvad), there is your point. We cannot here deal with the Federal Structure Committee. Nothing that is happening now has happened by design, nor is it happening because we like it; but you see the position yourselves.

Mr. Gandhi has made a very impressive declaration—a very impressive declaration. Other impressive declarations have been made. Will you, each of you, every member of this Committee, sign a request to me to settle the community question and pledge yourselves to accept my decision? That, I think, is a very fair offer.

Mr. Sastri: We are willing on this side.

Chairman: But I do not want any section, or any one man. Will the members of this Committee sign a declaration asking me to give a decision, even a temporary one, on the community question, and say that you will agree? I do not want it now. I say, will you put your names to it and give that to me, with the

assurance that the decision come to will be accepted by you and will be worked by you to the best of your ability in the course of the working of the new constitution? I have asked several sections —at least, individuals—from time to time for that, and I have never got [illegible] apart from [illegible] meeting— [illegible] to prevent it from carrying out its pledges and producing a constitution Therefore do not make the community difference more important than it is, but I say to you now, and you all know, I am sure, in your own hearts that I am right, that the solution of the Indian community difficulty ought to be reached by those of you who are here, and if you cannot do it I say very well, your failure to do it will not mean that the British Government will simply sit back and say "We can do nothing at all" That is not the case

This work is going to go on Do not make any mistake about that This work is going to go on and it is going to come to a successful issue too

(The Committee adjourned *sine die*)

NOTE ADDED BY SIRDAR UJJAL SINGH

I wish to make a correction in Sir Hubert Carr's statement to the effect that the scheme of representation in the Punjab contained in the agreement had increased the weightage of the Sikhs in the Punjab In fact the weightage has been reduced by 11 per cent The Sikhs are now enjoying 18 per cent representation with 11 per cent of the population which means a weightage of 65 per cent But in the new census the Sikh population has gone up to 13 per cent and with this population a representation of 20 per cent, as is provided in the agreement means a weightage of 54 per cent, *i e*, 11 per cent less than they are already enjoying Even with their previous weightage alone the Sikhs are now entitled to 22 per cent representation in the Punjab But the Sikhs want a similar weightage to that enjoyed by Muslim minorities

SECOND REPORT OF MINORITIES COMMITTEE.

The Report of sub-Committee No. III (Minorities) approved by the Committee of the whole Conference on 19th January, 1931, recorded that opinion was unanimous "that in order to secure the co-operation of all communities which is essential to the successful working of responsible government in India, it was necessary that the new constitution should contain provisions designed to assure the communities that their interests would not be prejudiced, and that it was particularly desirable that some agreement should be come to between the major communities in order to facilitate the consideration of the whole question." In these circumstances, it *recommended that* " the Conference should register an opinion that it was *desirable* that an agreement upon the claims made to it should be *reached* and that the negotiations should be continued between the *representatives* concerned, with the request that the result of their efforts should be reported to those engaged in the next stage of these negotiations."

2. The Committee resumed its deliberations on 28th September, and met subsequently on 1st October, 8th October and 13th November. It had the assistance in its discussions of the representative of the Congress Party.

3. At the first meeting of the resumed Committee on 28th September it was reported that informal negotiations were proceeding between certain of the communities concerned, and after discussion it was unanimously agreed that, in order to give these negotiations an opportunity to reach a conclusion, the Committee should adjourn until 1st October. On its meeting on that day a further motion of adjournment until Thursday, 8th October, to enable the continuance of the negotiations, was moved by Mr. Gandhi and unanimously accepted. It was agreed that the problem of the Depressed Classes and other smaller minorities would form part of the communal problem which was to be the subject matter of the conversations.

4. At the third meeting of the Committee on Thursday, 8th October, Mr. Gandhi reported that the negotiations which had taken place had unfortunately proved entirely abortive, despite the utmost anxiety on the part of all concerned to reach a satisfactory outcome. After considerable discussion it was agreed that the Committee should be adjourned for a further period to enable fresh efforts to be made to reach agreement between the various interests affected. It was decided in this connection that two schemes designed to overcome the communal difficulties in connection with the position in the Punjab which had been prepared by Sardar Ujjal Singh and Sir Geoffrey Corbett should be circulated for the consideration of the Delegates. These schemes are printed as Appendices XVII and XVI to our Report. A scheme for the solution of the communal problem prepared by the Indian National Congress, to which reference was made by Mr. Gandhi at the meet-

APPENDIX I.

THE CONGRESS SCHEME FOR A COMMUNAL SETTLEMENT

(Circulated at the request of Mr M K Gandhi)

However much it may have failed in the realisation, the Congress has, from its very inception set up pure nationalism as its ideal It has endeavoured to break down communal barriers The following Lahore resolution was the culminating point in its advance towards nationalism —

> In view of the lapse of the Nehru Report it is unnecessary to declare the policy of the Congress regarding communal questions the Congress believing that in an independent India communal questions can only be solved on strictly national lines But as the Sikhs in particular and the Muslims and the other minorities in general have expressed dissatisfaction over the solution of communal questions proposed in the Nehru Report this Congress assured the Sikhs the Muslims and other minorities that no solution thereof in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned "

Hence the Congress is precluded from setting forth any communal solution of the communal problem But at this critical juncture in the history of the Nation it is felt that the Working Committee should suggest for adoption by the country a solution though communal in appearance, yet as nearly national as possible and generally acceptable to the communities concerned The Working Committee therefore, after full and free discussion, unanimously passed the following scheme —

1 (a) The article in the constitution relating to Fundamental Rights shall include a guarantee to the communities concerned of the protection of their cultures, languages scripts education profession and practice of religion and religious endowments

(b) Personal laws shall be protected by specific provisions to be embodied in the constitution

(c) Protection of political and other rights of minority communities in the various Provinces shall be the concern and be within the jurisdiction of the Federal Government

2 The franchise shall be extended to all adult men and women

NOTE A —The Working Committee is committed to adult franchise by the Karachi resolution of the Congress and cannot entertain any alternative franchise In view, however, of misapprehensions in some quarters, the Committee wishes to make it clear that in any event the franchise shall be uniform and so extensive as to reflect in the electoral roll the proportion in the population of every community)

3 (a) Joint electorates shall form the basis of representation in the future constitution of India

(NOTE B —Wherever possible the electoral circles shall be so determined as to enable every community if it so desires to secure its proportionate share in the Legislature)*

(b) That for the Hindus in Sind the Muslims in Assam and the Sikhs in the Punjab and N W F P and for Hindus and Muslims in any Province where they are less than 25 per cent of the population, seats shall be reserved in the Federal and Provincial Legislatures on the basis of population with the right to contest additional seats

* Note B is not part of the scheme but has been added by m...

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(b) That for the Hindus in Sind, the Muslims [illegible] the Sikhs in [illegible] Province [illegible] reserved [illegible]

* Note B is not part of the scheme but has been [illegible] inconsistent with the scheme [illegible]

4. Appointments shall be made by non-party Public Service Commissions which shall prescribe the minimum qualifications, and which shall have due regard to the efficiency of the Public Service as well as to the principle of equal opportunity to all communities for a fair share in the Public Services of the country.

5. In the formation of Federal and Provincial Cabinets interests of minority communities should be recognised by convention.

6. The N.-W. F. Province and Baluchistan shall have the same form of government and administration as other Provinces.

7. Sind shall be constituted into a separate Province, provided that the people of Sind are prepared to bear the financial burden of the separated Province.

8. *The future constitution of the country shall be federal.* The residuary powers *shall vest in the federating Units,* unless, on further examination, *it is found to be against the best interest of India.*

The Working Committee has adopted the foregoing scheme as a compromise between the proposals based on undiluted communalism and undiluted *nationalism.* Whilst on the one hand the Working Committee hopes that the *whole Nation* will endorse the scheme, on the other, it assures those who *take* extreme views and cannot adopt it, that the Committee will *gladly,* as it is bound to by the Lahore resolution, accept without reserva*tion any other scheme,* if it commands the acceptance of all the parties concerned.

October 28th, 1931.

APPENDIX II.

MEMORANDUM ON THE CONGRESS FORMULA OF COMMUNAL SETTLEMENT.

By Dr. B. S. Moonje.

On behalf of the Hindu Mahasabha, I, as its working president, hereby express my whole-hearted approval to the assurance given by the Congress, that "no solution thereof (*i.e.*, of communal question) in any future constitution will be acceptable to the Congress that does not give full satisfaction to the parties concerned."

As for *the details of the scheme, of the communal solution, I have to* suggest amendments as follows:—

(1) In clause 1 (*a*) and (*b*) regarding the fundamental rights, the following should be added as (*c*):—

> "None shall be prejudiced by reason of his caste or creed in acquiring or enjoying civil and economic rights including the right of owning, purchasing or disposing of landed estates in the open market, and of freedom of choice of any profession or calling, and all laws existing at present, and acting prejudicially to the enjoyment of these rights should automatically lapse."

(2) In clause 2, note (*a*), the words "if possible" be added after the words "so extensive as to reflect." The object is to remove the ambiguity of the meaning of the note as it stands. It should clearly mean that in any event the franchise should be uniform, irrespective of the fact whether it reflects or does not reflect in the electoral roll the proportion in population of every community.

(3) The clause 3 (*b*) should be modified as follows:—

> That in any scheme of minority protection by reservation of seats, no minority community in any Province should have reservation below its population strength and it must have the right to contest additional seats.

(4) The clause 4 be modified as follows —

(a) That no person shall be under any disability for admission to any branch of Public Service merely by reason of his religion or caste

(b) That in any Province and in connection with the Central Government a Public Service Commission be appointed and recruitment to Public Services be made by such a Commission on considerations of highest efficiency and qualification available for any particular Service, thereby securing the twofold object of maintaining the Services on a high level of efficiency and leaving open a fair field for competition to all communities to secure fair representation

Minimum qualification will not make for efficiency Public Services constitute the soul of Swarajya We cannot afford to put up with less [illegible]

(c) That membership of any Community caste or creed should not prejudice any person for purposes of recruitment or be a ground for promotion or supersession in any Public Service

(5) The clause 5 be modified as follows —

That as regards formation of Federal and Provincial Cabinets, [illegible]

(6) The clause 7 be modified as follows —

As is freely and unreservedly admitted by no less a person than Sir Shah Nawaz Bhutto a most influential representative of the Sind Muslims in the Round Table Conference in his interview published in the Times of India August 1st 1931 "question of separation of Sind is not the creation of outside politicians nor is it a part of communal politics" Therefore the question should have no bearing whatsoever on what is known as the problem of communal settlement It should be considered purely on merit and it cannot be so considered unless [illegible] mission [illegible] separat[illegible] have n[illegible] ference and the Hindu Mahasabha to placate the Muslims it will then be impossible to resist the claim of Sikhs for accepting their scheme of the partition of the Punjab to satisfy the Sikhs

(7) The clause 8 dealing with the question of residuary powers should be modified as follows —

That the question of vesting the residuary powers in the federating Units or in the Central Government is in essence a purely constitutional problem and thus the opinion of the constitutional experts should prevail But broadly speaking it shall be in the best interest of the country as a whole that they should be vested in the Central Government rather than in the federating Units A strong Central Government is the only sure protective agent of the constitutional rights and liberties of the federating Units

(8) As for the general question of joint versus separate electorates it should be noted that the scheme of separate electorates was devised for the protection of the minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates, and thus we cannot agree to it for reasons which have been so eloquently expressed by Sir Austen Chamberlain in the League of Nations in the following words:—

> *"It was certainly not the intention of those who have devised the system of minority protection, to establish in the midst of a Nation a community which would remain permanently estranged from national life. The object of minorities treaties was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong."*

It is well worth to quote here also what the Greek representative, Mr. Dendramis, in the Council of the League of Nations said:—"The authors of the treaties (Minorities Treaties) had not intended to create a group of citizens who would collectively enjoy special rights and privileges; they had intended to establish equality of treatment between all nationals of a State. If privileges were granted to the minority in any country, inequality would be created between this minority and the majority. The latter would be oppressed by the minority, and it would then be the majority which would have to engage the attention of the League of Nations."

It is perhaps not generally known that the total number of the Muslims (about 20 millions) living in the Provinces with the Hindu majority is very much smaller than that of the Hindus (about 30 millions) who live in the Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim majorities without the adventitious aids of protection such as separate electorates, etc.

But if the Government were still to maintain separate electorates for the Majority community in any Province, it should confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any province were thus to elect for joint electorates, the constitution should provide for the establishment of joint electorates in that case irrespective of the fact whether the majority community does, or does not, consent.

APPENDIX III.

PROVISIONS FOR A SETTLEMENT OF THE COMMUNAL PROBLEM, PUT FORWARD JOINTLY BY MUSLIMS, DEPRESSED CLASSES, INDIAN CHRISTIANS,* ANGLO-INDIANS AND EUROPEANS.

Claims of Minority Communities.

1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

* *See also* note by Dr. S. K. Datta, Appendix XVIII, page 1438.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty

4 The right to establish, manage and control, at their own expense, charitable, religious and social institutions, schools and other educational establishments with the right to exercise their religion therein

5 The constitution shall embody adequate safeguards for the protection [illegible]

by law

7 In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible members belonging to the Mussulman community and other minorities of considerable number shall be included by convention

8 There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare

9 All communities at present enjoying representation in any Legislature through nomination or election shall have representation in all Legislatures through separate electorates and the minorities shall have not less than the proportion set forth in the Annexure but no majority shall be reduced to a minority or even an equality Provided that after a lapse of ten years it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates or joint electorates with reservation of seats, by the consent of the community concerned Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned

With regard to the Depressed Classes no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established

10 In every Province and in connection with the Central Government a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any reserved to be filled by nomination by the Governor General and the Governors shall be made through such commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the possession o[illegible] the Governor General and [illegible] with regard to recruitment [illegible] and for that purpose—to

11 If a Bill is passed which, in the opinion of two thirds of the members of any Legislature representing a particular community affects their religion or social practice based on religion, or in the case of fundamental rights of the subjects if one third of the members object, it shall be open to such members to lodge their objection thereto within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor General or the Governor as the case may be and he shall thereupon suspend the operation of that Bill for one year, upon the expiry of which period he shall remit the said Bill for further consideration by the Legislature When such Bill has been further considered by the Legislature and the Legislature concerned has refused to revise or modify the Bill so as to meet the objection thereto, the Governor General [illegible] to it [illegible] f such [illegible] of the [illegible] their

fundamental rights

(8) *As for the general question of joint versus separate electorates it should be noted that the scheme of separate electorates was devised for the protection of the minority community. A community which is in majority in any Province is not therefore legitimately entitled to demand separate electorates. But the Hindu Mahasabha has a fundamental objection to the system of separate electorates, and thus we cannot agree to it for reasons which have been so eloquently expressed by Sir Austen Chamberlain in the League of Nations in the following words:—*

"It was certainly not the intention of those who have devised the system of minority protection, to establish in the midst of a Nation a community which would remain permanently estranged from national life. The object of minorities treaties was to secure that measure of protection and justice for the minorities which would gradually prepare them to be merged in the national community to which they belong."

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It is perhaps not generally known that the total number of the Muslims (about 20 millions) living in the Provinces with the Hindu majority is very much smaller than that of the Hindus (about 30 millions) who live in the Provinces with Muslim majority. But the Hindus have always felt the confidence of being able to hold their own in competition with their Muslim *majorities* without the adventitious aids of protection such as separate electorates, etc.

But if the Government were still to maintain separate electorates for the Majority community in any Province, it should confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any province were thus to elect for joint electorates, the constitution should provide for the establishment of joint electorates in that case irrespective of the fact whether the majority community does, or does not, consent.

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1. No person shall by reason of his origin, religion, caste or creed, be prejudiced in any way in regard to public employment, office of power or honour, or with regard to enjoyment of his civic rights and the exercise of any trade or calling.

2. Statutory safeguards shall be incorporated in the constitution with a view to protect against enactments of the Legislature of discriminatory laws affecting any community.

3. Full religious liberty, that is, full liberty of belief, worship observances, propaganda, associations and education, shall be guaranteed to all communities subject to the maintenance of public order and morality.

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* *See also* note by Dr. S. K. Datta, Appendix XVIII, page 1438.

No person shall merely by change of faith lose any civic right or privilege, or be subject to any penalty

4 The right to establish manage and control, at their own expense, charitable, religious and social institutions, schools and other educational *establishments with the right to exercise their religion therein*

5 The constitution shall embody adequate safeguards for the protection of religion, culture and personal law, and the promotion of education, language, charitable institutions of the minority communities and for their due share in grants in aid given by the State and by the self governing bodies

6 Enjoyment of civic rights by all citizens shall be guaranteed by making any act or omission calculated to prevent full enjoyment an offence punishable by law

7 In the formation of Cabinets in the Central Government and Provincial Governments, so far as possible members belonging to the Mussulman community and other minorities of considerable number shall be included by convention

8 There shall be Statutory Departments under the Central and Provincial Governments to protect minority communities and to promote their welfare

9 All communitie [illegible] ture
through nomination [illegible] ures
through separate ele[illegible] the
proportion set forth [illegible] uced
to a minority or ever [illegible] ears
it will be open to Muslims in Punjab and Bengal and any minority communities in any other Provinces to accept joint electorates, or joint electorates with reservation of seats, by the consent of the community concerned Similarly after the lapse of ten years it will be open to any minority in the Central Legislature to accept joint electorates with or without reservation of seats with the consent of the community concerned

With regard to the Depressed Classes no change to joint electorates and reserved seats shall be made until after 20 years' experience of separate electorates and until direct adult suffrage for the community has been established

10 In every Province and in connection with the Central Government a Public Services Commission shall be appointed, and the recruitment to the Public Services, except the proportion, if any reserved to be filled by nomination by the Governor General and the Governors shall be made through such commission in such a way as to secure a fair representation to the various communities consistently with the considerations of efficiency and the [illegible] the
Governo[illegible] with
regard [illegible] and
for tha[illegible]

11 I[illegible]

members to lodge their objection thereto within a period of one month of the Bill being passed by the House, with the President of the House who shall forward the same to the Governor General or the Governor as the case may be [illegible]

or the Governor, as the case may be, may give or withhold his assent to [illegible] validity of such [illegible] members of the [illegible] venes one of their

SPECIAL CLAIMS OF MUSSULMANS.

A. The North-West Frontier Province shall be constituted a Governor's Province on the same footing as other Provinces with due regard to the necessary requirements for the security of the Frontier.

In the formation of the Provincial Legislature the nominations shall not exceed more than 10 per cent. of the whole.

B. Sind shall be separated from the Bombay Presidency and made a Governor's Province similar to and on the same footing as other Provinces in British India.

C. Mussulman representation in the Central Legislature shall be one-third of the total number of the House, and their representation in the Central Legislature shall not be less than the proportion set forth in the Annexure.

SPECIAL CLAIMS OF THE DEPRESSED CLASSES.

A. The constitution shall declare invalid any custom or usage by which any penalty or disadvantage or disability is imposed upon or any discrimination is made against any subject of the State in regard to the enjoyment of civic rights on account of Untouchability.

B. Generous treatment in the matter of recruitment to Public Service and the opening of enlistment in the Police and Military Service.

C. The Depressed Classes in the Punjab shall have the benefit of the Punjab Land Alienation Act extended to them.

D. Right of Appeal shall lie to the Governor or Governor-General for redress of prejudicial action or neglect of interest by any Executive Authority.

E. The Depressed Classes shall have representation not less than set forth in the Annexure.

SPECIAL CLAIMS OF THE ANGLO-INDIAN COMMUNITY.

A. Generous interpretation of the claims admitted by sub-Committee No. VIII (Services) to the effect that in recognition of the peculiar position of the community special consideration should be given to the claim for public employment, having regard to the maintenance of an adequate standard of living.

B. The right to administer and control its own educational institutions, *i.e.*, European education, subject to the control of the Minister.

Provisions for generous and adequate grants-in-aid and scholarships on the basis of present grants.

C. Jury rights equal to those enjoyed by other communities in India unconditionally of proof of legitimacy and descent and the right of accused persons to claim trial by either a European or an Indian jury.

SPECIAL CLAIMS OF THE EUROPEAN COMMUNITY.

A. Equal rights and privileges to those enjoyed by Indian-born subjects in all industrial and commercial activities.

B. The maintenance of existing rights in regard to procedure of criminal trials, and any measure or bill to amend, alter, or modify such a procedure cannot be introduced except with the previous consent of the Governor-General.

Agreed by:—

HIS HIGHNESS THE AGA KHAN (Muslims),
DR. AMBEDKAR (Depressed Classes),
RAO BAHADUR PANNIR SELVAM (Indian Christians),
SIR HENRY GIDNEY (Anglo-Indians),
SIR HUBERT CARR (Europeans).

ANNEXURE I

REPRESENTATION IN LEGISLATURES

Figures in brackets—Population basis 1931 figures and [illegible] percentages as per Simon Report

	Strength of Chamber	Hindu			Muslims	Christians	Sikhs	Anglo-Indians	[illegible]	[illegible]	
		Caste	Depressed	Total							
[illegible]	00	(47.5) 101	(19)* 20	(66.5) 121	(21.5) 67	1	1	1		1	* [illegible]
[illegible]	[illegible]	[illegible]	45	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]		[illegible]	
[illegible]	[illegible]	(48.0) [illegible]	(19.4) 11	[illegible]	[illegible]	1		1		[illegible]	* [illegible]
[illegible]	[illegible]	(18.3) [illegible]	(24.7) 35	(43) 71	[illegible]	[illegible]		[illegible]		[illegible]	
[illegible]	[illegible]	(67.8) 51	(14.5) 11	[illegible]	[illegible]	1		[illegible]	[illegible]	[illegible]	

EXPLANATORY MEMORANDUM TO APPENDIX III

1 The suggested details for community representation have not been agreed by the Hindus or the Sikhs but the full representation claimed by the latter in the Central Legislature is provided for

2 The proposed distribution of seats for the different minorities constitutes a whole scheme and the detailed proposals cannot be separated one from another

3 This distribution of seats follows the principle that in no case is the majority community to be reduced to the position of a minority or even equality

4 No representation is provided for Commerce, Landlords, Industry, Labour, etc, it being assumed that these seats are ultimately communal and that communities desiring special representation for these interests may do so out of the communal quota

5 The allowance of $33\frac{1}{3}$ per cent representation to Muslims in the Central Legislature is based on the assumption that 26 per cent shall be from British India and at least 7 per cent by convention out of the quota assigned to the Indian States

6 In the Punjab the suggested common sacrifice by the Muslims, Caste Hindus and the Depressed Classes would permit of a weightage of 54 per cent being given to the Sikhs giving them representation of 20 per cent in the Legislature

7 The proposals may be taken as being acceptable to well over 115 millions of people, or about 46 per cent of the population of India

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APPENDIX IV.*

SIKHS AND THE NEW CONSTITUTION FOR INDIA

Memorandum by Sardar Ujjal Singh and Sardar Sampuran Singh

The Sikhs are an important and distinct community, mainly concentrated in the Punjab, of which they were the rulers until 1849 Sikhism recognises no caste and strictly enjoins upon those who profess it to treat all human beings as equal In religious ideals and social practices they are as different from the Hindus as the Muslims are

The Simon Commission states "Sikhism remained a pacific cult until the political tyranny of the Mussulmans and the social tyranny of the Hindus converted it into a military creed It is a striking circumstance that this small community contributed no less than eighty thousand men" (actually, 89 000 combatant recruits in addition to 30 000 already serving when war broke out) "to serve in the Great War—a larger proportion than any other community in India"

The Sikhs play a great part in the economic and civic life of the country In the Punjab, with three million population (13 per cent of the whole) the Sikhs pay 25 per cent of the land revenue and 40 per cent of the land revenue and water rates combined the main source of the Provincial Exchequer They maintain at their own expense over 400 schools and 3 colleges open to all communities and classes without distinction They have got a large number of holy shrines, which are the centres of Sikh culture and tradition

The Sikhs claim that their interests should be adequately and effectively protected [illegible] tion
[illegible] nt
[illegible] on
[illegible] es
[illegible] ast
[illegible] 24

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* *See also* Appendix XIX

per cent. The Muslims, wherever they are a minority, claim weightage. In the Punjab they claim to have their majority ensured by Statute. The Simon Report observes: "It would be unfair that Muhammadans should retain the very considerable weightage they now enjoy in the six Provinces, and that there should at the same time be imposed, in face of Hindu and Sikh opposition a definite Muslim majority in the Punjab and in Bengal unalterable by any appeal to the electorate." Moreover, the Muslims' demand for this majority is made on a basis of separate electorates, which means that the other two communities could not even influence the permanent majority, chosen as it would be by constitutents swayed by none but communal motives and aims. It is a denial of the fundamental rights of a community that it should be put in a position which allowed of no peaceful method of appeal against a government that proved itself incompetent or partisan, especially if that government was so constituted as to stereotype and perpetrate religious differences which go back to bitter memories. In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a "consolidated North-West State, within or without the British Empire," consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind. We cannot accept a constitution which relegates us for all time to the position of an ineffective opposition.

If the Muslims refuse to accept in this Province, where they are in a slight majority in population (56 per cent.), anything but their present demand of a reserved majority, we ask for a territorial re-arrangement which would take from the Punjab the Rawalpindi and Multan divisions (excluding Lyallpur and Montgomery districts). These divisions are overwhelmingly Muslim, as well as racially akin to the North-West Frontier Province; their inclusion in the Punjab is a recent thing, due to conquest by Ranjit Singh. These overwhelmingly Muslim districts, with a population of seven millions can either form a separate Province, which will give the Muslims another majority Province, or be amalgamated with North-West Frontier. This re-arrangement would leave a Punjab of about sixteen millions in which no single community would have an absolute majority and each community would be obliged to conciliate the others. If this solution also is unacceptable to our Muslim brethren we should prefer no change from the present constitution in the Punjab.

A counter proposal of partition of the Punjab has emanated from Sir Geoffrey Corbett, which is open to serious economic and racial objections and which is based upon an absolute misunderstanding of the Sikh position. The main object of any scheme of territorial redistribution should be to satisfy the conflicting claims of the Muslims and the Sikhs in the Punjab. But this scheme seeks to increase still further the Muslim majority by the separation of Ambala division from the Punjab and thereby places the Sikhs in a far worse position than any in which they would find themselves in the existing Punjab. It is therefore entirely unacceptable to the Sikhs.

We summarise below the unanimous demands of the Sikh community for which any scheme of new constitution should make provision before it can be accepted by the Sikhs.

Punjab.

1. The Sikhs are anxious to secure a National Government and are therefore opposed to any communal majority by Statute or any reservation of seats by law for a majority community.

2. The Sikhs occupy an unrivalled position in the Punjab as is reflected by their sacrifices in the defence of India, and in national movements and their stake in the Province, and therefore demand 30 per cent. representation in the Punjab Legislature and Administration.

3. In the Punjab Cabinet and the Public Service Commission the Sikh community should have a one-third share.

4 If no agreement is reached on the above basis, the boundaries of the Punjab may be so altered by transferring predominently Muhammadan areas to the Frontier Province so as to produce a communal balance In this reconstituted Punjab there should be joint electorates, with no reservation of seats

5 If neither of the above alternatives is acceptable the Punjab may be administered by the newly constituted responsible Central Government till mutual agreement on the communal question is arrived at

6 Punjabi should be the official language of the Province It should be optional with the Sikhs and others to use Gurmukhi script if they so desire

Central

7 The Sikhs should be given 5 per cent of the total number of seats reserved for British India in each of the Upper and Lower Houses

8 There should always be at least one Sikh in the Central Cabinet

9 In case an Army Council is constituted the Sikhs should be adequately represented on it

10 The Sikhs have always had a special connection with the Army and therefore the same proportion of Sikhs should be maintained in the Army as before the War

11 The Sikhs should have effective representation in the all India Services and should be represented on Central Public Service Commission

12 All residuary powers should vest in the Central Government

13 The Central Government should have special specified powers to protect minorities

Other Provinces

14 The Sikhs should have the same weightage in other Provinces as is accorded to other minorities

General

15 The Provincial and Central Government should declare religious neutrality and while maintaining existing religious endowments should not create new ones

16 The State should provide for teaching of Gurmukhi script where a certain fixed number of scholars is forthcoming

17 Any safeguards guaranteed in the constitution for the Sikhs should not be rescinded or modified without their express consent

November 12th, 1931

APPENDIX V

CLAIMS OF THE HINDU MINORITY OF THE PUNJAB

Memorandum by Raja Narendra Nath

I enclose a Memorandum which sets forth the claims of the Hindu minority of the Punjab, but I believe that my views are shared by the Hindus of all Provinces in which they are in a minority I may here mention that the number of Hindus in Provinces in which they are in a minority (assuming that Sind is separated) comes up to nearly 22 millions and the number of Muslims in which they are in a minority proceeding on the assumption of the separation of Sind) comes to only about 20 millions In a Federal system of government in which the Provinces are autonomous the question of Minorities in Provinces assumes very great importance The Hindu minority point of view deserves as much if not greater, consideration than the point of view of the Muslim minority A disregard of Hindu interests will create resentment and discontent among a larger number of human beings than a

x

per cent. The Muslims, wherever they are a minority, claim weightage. In the *Punjab* they claim to have their majority ensured by Statute. The Simon Report observes: "It would be unfair that Muhammadans should retain the very considerable weightage they now enjoy in the six Provinces, and that there should at the *same time* be imposed, in face of Hindu and Sikh opposition a definite Muslim majority in the Punjab and in Bengal unalterable by any appeal to the electorate." Moreover, the Muslims' demand for this majority is made on a basis of separate electorates, which means that the other two communities could not even influence the permanent majority, chosen as it would be by constitutents swayed by none but communal motives and aims. It is a denial of the fundamental rights of a community that it should be put in a position which allowed of no peaceful method of appeal against a government that proved itself incompetent or partisan, especially if that government was so constituted as to stereotype and perpetrate religious differences which go back to bitter memories. In view of the claim of the President of the last All-India Muslim Conference, we believe that to write the garrison Province of India into the constitution as an unalterably Muslim Province would be to make the dismemberment of India inevitable. That claim, it will be remembered, was that there should be a "consolidated North-West State, within or without the British Empire," consisting of the Punjab, North-West Frontier Province, Baluchistan and Sind. We cannot accept a constitution which relegates us for all time to the position of an ineffective opposition.

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3. In the Punjab Cabinet and the Public Service Commission the Sikh community should have a one-third share.

4 If no agreement is reached on the above basis the boundaries of the Punjab may be so altered by transferring predominently Muhammadan areas to the Frontier Province so as to produce a communal balance In this reconstituted Punjab there should be joint electorates with no reservation of seats

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Central

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8 There should always be at least one Sikh in the Central Cabinet

9 In case an Army Council is constituted the Sikhs should be adequately represented on it

10 The Sikhs have always had a special connection with the Army and therefore the same proportion of Sikhs should be maintained in the Army as before the War

11 The Sikhs should have effective representation in the all India Services and should be represented on Central Public Service Commission

12 All residuary powers should vest in the Central Government

13 The Central Government should have special specified powers to protect minorities

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General

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November 12th, 1931

APPENDIX V

CLAIMS OF THE HINDU MINORITY OF [illegible]

Memorandum by Raja Narendra [illegible]

I enclose a Memorandum which sets forth the [illegible] of the Punjab, but I believe that my views [illegible] Provinces in which they are in a minority [illegible] number of Hindus in Provinces in which [illegible] that Sind is separated) comes up to [illegible] Muslims in which they are in a minority [illegible] the separation of Sind) comes to only [illegible] of government in which the Pro[illegible] Minorities in Provinces assumes [illegible] point of view deserves as much [illegible] of view of the Muslim minority [illegible] resentment and discontent [illegible]

disregard of the interests of the Muslim minorities so far as Provincial Governments are concerned. The political leaders of different Parties in England have declared more than once that the future of the constitution of India must create a feeling of security among the minorities. No such feeling of security will be produced among the Hindus if the claims put forward in the enclosed Memorandum are disregarded.

The Memorandum is brief, and therefore does not deal with reasons on which the claims are based.

1. The Hindus look upon separate electorates as prejudicial to the interests of a minority community. But if the constitution must begin with separate electorates, and it is not provided that they cease after five years, then the Hindus want the following clause to be inserted in the constitution:—

For election to all elected bodies—

(i) The voters of a minority community shall be brought on the same register with the voters of another minority community if the members of the elected body representing the two minority communities pass a resolution or make a requisition to the Head of Government supported by a majority of two-thirds of each community severally that the change be made.

(ii) The voters of a minority community shall be brought on the same register with the voters of a majority community when the members belonging to the minority community in that body pass a resolution or make a requisition to the Head of the Government supported by a majority of two-thirds that the change be made.

(iii) In either case the change shall be made in the election next following.

Although the Hindu minority is better educated than most of the other minorities, they object to any plan of referendum on this point to the Hindu minority. The proposing of the resolution or the making of the requisition referred to in the above clause must be left to the discretion of the representatives of the electorates in the elected bodies.

I may here mention that the fear of the Punjab Muslims that even in tracts in which Muslims are in a majority, the Hindu minority, on account of their intelligence and wealth, will swamp the elections, is unfounded and is not borne out by the result of elections to the District Board. In districts in which Muslims predominate, Hindus fail in elections to the Board.

The Hindus of the Punjab have no objection to separate electorates for the Europeans and Anglo-Indians or for Christians and Depressed Classes. I doubt, however, if all these classes in the Punjab want separate electorates. In July last a Conference of Hindus, Sikhs and Christians was held at Lahore, which I attended, and resolutions in support of joint electorates were passed. On the 11th September last, whilst passing through Delhi, an Address was presented to me by the Depressed Classes in which they protested against their being separated from the Hindus. However, if there has been a change in their attitude and they want separate electorats in the Punjab, I have no objection.

2. The Hindus of the Punjab want reservation of seats, both in the Provincial Council and the Federal Assembly, in proportion to their population. If special constituencies are retained, as I presume they will be, only such constituencies should be reckoned in making up this proportion as have a majority of Hindu voters.

I may here remark, with regard to the population figures of the Depressed Classes and their proportion in the population of each Province, given at page 40 of Vol. I of the Report of the Statutory Commission, that the figures no longer hold good for the Punjab. Enormous increase has taken place in the Sikh and Muslim population of the Punjab, the number of Sikhs having gone up from 2,294,207 in 1921 to 3,064,144 in 1931, and the number of Muslims from 11,444,321 to 13,332,460. which means an annual increase

during the last ten years of nearly 70 000 in the case of the Sikhs and of 168 000 in the case of the Muslims This extraordinary increase in the case of both these communities has presumably taken place by the absorption of Depressed Classes within their ranks On the other hand, a new religious community designated "Adi Dharmis" is shown in the census figures for the first time in the Punjab This presumably represents the number of Depressed Classes or at least those who want to be separated from other religious communities Their number is 399 307 or 1 7 per cent of the total population of the Province The proportions given in the Simon Report, therefore, cannot be taken as a guide so far as the Punjab is concerned

3 I understand that a claim about the services has been put forward by other minorities They want that a minimum standard of education should be fixed with due regard to efficiency and that each community should have a fair and adequate share The Hindu minority think that a vague provision like this will be prejudicial to their interests A minimum standard of education ' with due regard to efficiency alludes to two incompatible factors If efficiency has to be borne in mind, why should the requisite standard of education be low? The Hindus want that the constitution should contain a direction indicated in para 105 of Despatch No 44 of the Court of Directors dated 10th December 1831—" But the meaning of the enactment we take to be that there shall be no governing caste in India and that whatever tests of qualifications may be adopted *distinction of race and religion shall not be of the number*

No one on account of his caste or creed should be prejudiced in any way for recruitment to Public Services or for promotion to any office but a proportion, the maximum of which may now be found may be reserved for a certain number of years to redress communal inequalities and to suit

4 The Prime Minister in his speech dated 19th July, 1931 said as follows —

> "In framing the constitution His Majesty's Government considers it will be its duty to insert provisions guaranteeing to the various minorities in addition to political representation, that differences of religion race sect or caste shall not themselves constitute civic disabilities "

The clause defining fundamental rights is all right but I urge the addition of the following words —

> and shall not prejudice anyone in the exercise and enjoyment of civic and economic rights '

(See para 3 of the last Report of the Minorities sub Committee)
November 1.th, 1931

APPENDIX VI

MEMORANDUM

By Dr B S Moonje *

The Hindu Mahasabha s opinion
1 The Hindu Mahasabha holds
sentation is fundamentally opposed
increasing desire for the assertion o

* This Memorandum was first submitted during the First Session of the Conference

disregard of the interests of the Muslim minorities so far as Provincial Governments are concerned. The political leaders of different Parties in England have declared more than once that the future of the constitution of India must create a feeling of security among the minorities. No such feeling of security will be produced among the Hindus if the claims put forward in the enclosed Memorandum are disregarded.

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2. The Hindus of the Punjab want reservation of seats, both in the Provincial Council and the Federal Assembly, in proportion to their population. If special constituencies are retained, as I presume they will be, only such constituencies should be reckoned in making up this proportion as have a majority of Hindu voters.

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No one on account of his caste or creed should be prejudiced in any way for recruitment to Public Services or for promotion to any office but a proportion the maximum of which may now be found may be reserved for a certain number of years to redress communal inequalities and to suit backward classes There is no need for lowering the general standard of efficiency for all recruits *The Government of India have reserved 33 per cent* of the appointments to the Imperial Services for this purpose The same rule should be adopted with regard to the Provincial and Subordinate Services The fixation of proportions should not be left to the discretion of the Head of the Executive or of the Public Services Commission to be appointed [illegible]

4 The Prime Minister in his speech dated 19th July, 1931 said as follows —

> 'In framing the constitution His Majesty's Government considers it will be its duty to insert provisions guaranteeing to the various minorities in addition to political representation that differences of religion race sect or caste shall not themselves constitute civic disabilities

The clause defining fundamental rights is all right but I suggest the addition of the following words —

> and shall not prejudice anyone in the exercise and enjoyment of civic and economic rights

(See para 3 of the last Report of the Minorities sub Committee)
November 13th 1931

APPENDIX VI

MEMORANDUM

By Dr B S Moonje *

The Hindu Mahasabha's opinion on the Muslim demands is as follows —

1 The Hindu Mahasabha holds strongly the view that communal representation is fundamentally opposed to nationalism and gradually creates an increasing desire for the assertion of communal difference in various depart-

* This Memorandum was first submitted during the First Session of the Conference

[illegible] The Sabha also thinks that this principle [illegible] in which preferences based on com[illegible]. In the working of responsible Govern[illegible] growth of healthy adjustments [illegible] to take their proper place in the [illegible]. [illegible], however, are born of experience [illegible] understanding, which must have some [illegible]. The Sabha, therefore, is of opinion [illegible] be laid on sound lines and no arrange[illegible] will have the result, as experience shows, [illegible] of keeping the minorities in isolated [illegible] from the majority community. The [illegible] state that the following principles should be kept [illegible] for India:—

(1) [illegible] franchise for all communities [illegible].

(2) That elections to all the elective bodies shall be by mixed electorates.

(3) That there shall be no reservations of seats on communal considerations in any of the elective bodies and educational institutions. But [illegible], if a minority community in any Province were to [illegible] reservation of seats, such reservation may be granted only [illegible] for a short period.

(4) That the basis of representation of different communities shall be [illegible] strength, taxation or adult population.

(5) That in [illegible] shall there be any reservation of seats [illegible] any majority community in any Province.

(6) That the redistribution of Provinces in India, if and when necessary, shall be made on merits in the light of principles capable of a general application with due regard to administrative, financial and other similar considerations.

(7) That no new Provinces shall be created with the object of giving a majority therein to any particular community so that India may be evolved as one united nation, instead of being subdivided into Muslim India, Sikh India, Christian India and Hindu India.

2. Regarding the Muslim demand for separation of Sind, the Hindu Mahasabha, while agreeing to the principle of redistribution of Provinces as stated above in Section 1, sub-section 2, is opposed to it for the following reasons:—

(a) The creation of any new Provinces primarily or solely with a view to increase the number of Provinces in which a particular community shall be in majority is fraught with danger to the growth of sound patriotism in the country and will contribute to the growth of a sentiment favouring the division of India into different groups according to differences of religion.

(b) Redistribution of any Province without the consent and agreement of the two communities, Hindu and Muslim, is likely to increase the area of communal conflict and endanger the relations between the two communities not only in that Province, but throughout India. The Hindu community in Sind is against such separation.

(c) Separation of Sind will not only be financially a costly proposition, but would also arrest its economic development and its educational advancement. Besides, it will deprive the people of Sind of the many undeniable benefits of their association with the more advanced people of the Bombay Presidency in their economic as well as their political development.

(d) Sind, if separated, may not be able to bear the financial burden of carrying on a separate administration without help either from the Central or the Bombay Government.

(e) Bombay has invested large amounts of money, particularly in *the Sukkur Barrage, and that alone* will be a great impediment to separation, at any rate for some years to come

3 Regarding the introduction of reforms in the North West Frontier Province and Baluchistan on the same footing as the other Provinces, the Hindu Mahasabha has in principle no objection, but it considers it an impracticable proposition for the immediate future The Hindu Mahasabha, therefore, proposes that immediate steps be taken to secure to the Province with as little delay as possible the benefits of a regular system of administration, both judicial and executive, so that the Province may be prepared for the reformed constitution

4 As regards the demand for provision giving the Muslims an adequate share in the Public Services of the State the Hindu Mahasabha holds that *there shall be no communal representation in the Public Service*, which must be open to all communities on the basis of merit and competency, ascertained through open competitive taste

5 As regards the Muslim demand that no Cabinet, either Central or Provincial shall be formed without there being a proportion of Muslim Ministers, the Hindu Mahasabha cannot approve of the proposal as it is a negation of the wholesome principle of joint responsibility of the Cabinet In the future responsible Government the Cabinet will be formed by the Chief [illegible]

6 As regards representation of minorities in the Legislatures Central, or Provincial, the Hindu Mahasabha stands for joint electorates, and a temporary provision for, say, the lifetime of the next two Legislatures, for reservation of seats for the minorities on the basis of their adult population or their voting strength, whichever shall be favourable to them The system of reservation shall automatically disappear after the lapse of the period fixed

7 Regarding the demand for vesting residuary powers in the Provincial Governments, the Hindu Mahasabha cannot agree to it, and stands for strong Central Government

8 The Hindu Mahasabha stands for full religious liberty i e liberty of belief, worship, observance, propaganda, association and education to be guaranteed to all communities alike, provided these rights are not exercised in such a way as to be provocative, offensive or obstructive to others

9 The Hindu Mahasabha believes in the potency of joint electorates to further the cause of evolution of India as one united nation but if the Muslims believe that they cannot do without separate electorates the Hindu Mahasabha will be reluctantly obliged to agree to it, provided that the [illegible] not ontravened [illegible]

10 The above statement is without prejudice to the Hindu Mahasabha's contention that the Muslims in India, having regard to their numerical strength [illegible] nature as the League [illegible] of minorities The Mu[illegible] vigorous and potent [illegible] e are other minorit[illegible] tc, who are infinitely weaker than the Muslims in all [illegible] nd the Sabha thinks it would be difficult to resist the claims of these minorities to concessions similar to those demanded by the Muslims if these are granted to the Muslims The Sabha is anxious that India *should not* be split up on the very threshold of a new constitution besides the Sabha is and always has been willing that all minorities including the Muslims which require special protec-

made by such a Comm ss on on ons derat ons of l ghest effic ency and qualificat ons necessary and ava lab e for any part c lar serv ce by open compet t on thereby securing the t o-fold object of ma nta n n the serv ces on a h gh level of effic ency and leav ng open a ta r field of compet t on to all commun t es to secure ta r representation

M n mum qual ficat ons w ll not make for effic ency The publ c serv es const tute the soul of self Go e nment It v ll not be safe to have less va ls at p re ent under should be to ha e our th that of the nat ons of effic ency even w th ard commun ty Con s derat ons therefore of ma nta n ng eff enc n adm n strat on at the h ghest poss ble standard make t obl gatory to dem and the h ghest ne e sary qual ficat ons from those who offer tl em e es for recru tment to publ c serv ces irrespect ve of caste or creed

FRANCHISE

4 As for Franch se t may be made as exten e as poss ble but t should be un form for all commun t es in each P ov n e rrespect ve of the fact whether it does or does not reflect n the e e toral roll tl e proport on n populat on of every commun ty n the Prov nce

ELECTORATES JOINT OR SEPARATE

5 As for the general q e t on of j nt s s eparate e e to ates t should be noted that the scheme of pa a e ele o ate was dev sed for the protect on of a m nority commun ty A commun ty wh ch s n major ty in any Prov n e s not therefore leg t ma ely ent tled to demand separate electorates But the H ndu Mahasabha has a fundamenta ob ect on to the system of separate electorates and thus cannot agre to t fo reasons h ch have been o eloquently g ven expres on to b S r Aust n Chan be la n n the League of Nat ons n the follow ng word

It was certa nly not the n e on of tho e wh a e d d the

tl em to be merged n tl e nat onal ommun t to wh h be one

In th s conne t on t is ell orth quot n what tl e Greek epre enta e Mr Dendram s n tl e Co nc l of tl e Lea ue of Nat on has a d

The autl ors of tl e treat es (M nor t es Treat es) had not ntend d to create a group of c t z n wl o woul d col e t vely en oy pe a gl ts and pr v leges They had intended equal ty of tre tment b tween all the n any majo then L ag e o Na on

Th s des r pt on w ll ery p o r tel appl to t e s tuat on Ind a that w ll ar e f tl e Mu m dem l re con eded It s perh p not gene al known that tl tot l numbe of Mu ms (b t t enty M on) l v n n the Prov nces w tl H n l o t r l a ler tl n tl at of the H ndus (a o t th ty n o) wl o l n Pro n w tl M l m major ty But the H ndu l a e l a f l tl e confl ce of l n able to ho d the r o n n compet t on w tl tl r M l m or t es w ho t tl e advent t o s a d of p ot t on l p r e el t r te r er t on n serv es etc

The Co st tut nal d ffi t tl at er tel l y tl e M l n l n l f r s parate el torate cannot be b o l to l gl t mor r l y than n th

following words of the Prime Minister in his speech in the House of Commons in January last:—

> "If every constituency is to be ear-marked, as to community or interest, there will be no room left for the growth of what we consider to be purely political organisations which would comprehend all the communities, all creeds, all conditions of faith . . . . If India is going to develop a robust political life, there must be room for national political parties based upon conceptions of India's interests and not upon the conceptions regarding the well-being of any field that is smaller or less comprehensive than the whole of India."

But if the Government were still to maintain separate electorates for the majority community in any Province, it should at least confer on the minorities of that Province the privilege of demanding joint electorates with the majority. If a minority community in any Province were thus to elect for joint electorates the constitution should provide for the establishment of joint electorates in that case irrespective of the consent thereto of the majority community.

PROTECTION OF MINORITIES.

6. The Hindu Mahasabha being fundamentally opposed to separate electorates, and to provision of protection by reservation of seats for a majority community in any Province, if any scheme of minority protection be devised by reservation of seats in the joint electorates, then no minority community in any Province should have reservation below its population strength, and it must also have the right to contest additional seats on equal terms with all others.

WEIGHTAGE IN REPRESENTATION.

7. As for the demand for weightage in representation, it is impossible to entertain the proposal in view of the entirely separatist mentality which has inspired the demands. The impracticability of the demand cannot be emphasised in better words than in those of no less a person than the Prime Minister himself who says in his speech in the House of Commons:—

> "It is very difficult again to convince these very dear delightful people that if you give one community weightage, you cannot create weightage out of nothing. You have to take it from somebody else. When they discover that, they become confused indeed and find that they are up against a brick wall."

But if the principle of weightage be still maintained it would be only proper and just that uniformity be observed in fixing the proportion of weightage for all minorities.

FORMATION OF CABINETS.

8. As regards formation of Central Federal and Provincial Cabinets, political exigencies will inevitably lead to proper conventions suitable to the conditions then existing in the different Legislatures. Therefore, without interfering with the constitutional freedom of the party leaders who are to form the Cabinets, in the choice of their Ministers, representatives of the minorities of considerable numbers should as far as possible be included in the formation of Central and Provincial Cabinets.

RESIDUARY POWERS.

9. As regards the question as to whether the residuary powers should be vested in the Federating units or in the Central Government, it is in essence a purely constitutional problem, where opinions of constitutional experts should prevail. But broadly speaking it will be in the best interests of the country as a whole that they should be vested in the Central Government rather than in the Federating units. A strong Central Government is the

only sure protecting agent of the constitutional rights and liberties of the Federating units and also of the minorities in the Provinces

SEPARATION OF SIND

settlement It should be considered purely on merit and it cannot be so considered unless the problem is entrusted to a Boundaries Commission of experts

In this connection it ought to be noted that there was no representative of the Sind Hindus on the Round Table Conference and its Sind sub-Committee The decision of the Committee therefore is regarded by the Hindus of Sind as *ex parte*, and is repudiated by them and the Hindu Mahasabha as such If, however the Government were still to accept the separation of Sind, ignoring the protests of the Sind Hindus and the Hindu Mahasabha, simply to placate the Muslims it would then be impossible to resist the claim of Sikhs for accepting their scheme of partition of the Punjab to satisfy the Sikhs

OUTLOOK ON PROBLEM OF MINORITIES

11 In fact the whole question of minorities is beintg looked at from a most unnatural point of view under the plausible excuse of protection for minorities As Edmund Burke has said —

"Parliament is not a congress of Ambassadors from different and

---

APPENDIX VII

*SUPPLEMENTARY MEMORANDUM ON THE CLAIMS OF THE DEPRESSED CLASSES FOR SPECIAL REPRESENTATION

By Dr Bhimrao R Ambedkar and Rao Bahadur R Srinivasan

now propose to make good the omission
o that the Minorities sub-Committee
year, should have the requisite details

before it

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* For previous memorandum *see* Appendix III to Proceedings of the Minorities sub-Committee of the First Session of the Conference

I.—Extent of special representation.

A. *Special Representation in Provincial Legislatures.*

(i) In Bengal, Central Provinces, Assam, Bihar and Orissa, Punjab and the United Provinces, the Depressed Classes shall have representation in proportion to their population as estimated by the Simon Commission and the Indian Central Committee.

(ii) In Madras the Depressed Classes shall have twenty-two per cent. representation.

(iii) In Bombay.—

(a) In the event of Sind continuing to be a part of the Bombay Presidency the Depressed Classes shall have sixteen per cent. representation.

(b) In the event of Sind being separated from the Bombay Presidency the Depressed Classes shall enjoy the same degree of representation as the Presidency Muslims, both being equal in population.

B. *Special Representation in the Federal Legislature.*

In both Houses of the Federal Legislature the Depressed Classes shall have representation in proportion of their population in India.

Reservations.

We have fixed this proportion of representation in the Legislatures on the following assumptions.—

(1) We have assumed that the figures for the population of the Depressed Classes given by the Simon Commission (Vol. I, p. 40) and the Indian Central Committee (Report p. 44) will be acceptable as sufficiently correct to form a basis for distributing seats.

(2) We have assumed that the Federal Legislature will comprise the whole of India, in which case the population of the Depressed Classes in Indian States, in Centrally Administered Areas, and in Excluded Territories, besides their population in Governor's Provinces, will form very properly an additional item in calculating the extent of representation of the Depressed Classes in the Federal Legislature.

(3) We have assumed that the administrative area of the Provinces of British India will continue to be what they are at present.

But if these assumptions regarding figures of population are challenged, as some interested parties threaten to do, and if under a new census over which the Depressed Classes can have no control the population of the Depressed Classes shows a lower proportion, or if the administrative areas of the Provinces are altered, resulting in disturbing the existing balance of population, the Depressed Classes reserve their right to revise their proportion of representation and even to claim weightage. In the same way, if the all-India Federation does not come into being, they will be willing to submit to readjustment in their proportion of representation calculated on that basis in the Federal Legislature.

II.—Method of Representation.

1. The Depressed Classes shall have the right to elect their representatives to the Provincial and Central Legislature through separate electorates of their voters.

For their representation in the Upper House of the Federal or Central Legislature, if it is decided to have indirect election by members of the Provincial Legislatures, the Depressed Classes will agree to abandon their right to separate electorates so far as their representation to the Upper House is concerned subject to this: that in any system of proportional representation arrangement shall be made to guarantee to them their quota of seats.

2 Separate electorates for the Depressed Classes shall not be liable to be replaced by a system of joint electorates and reserved seats, except when the following conditions are fulfilled —

(a) A referendum of the voters held at the demand of a majority of their representatives in the Legislatures concerned and resulting in an absolute majority of the members of the Depressed Classes having the franchise

(b) No such referendum shall be resorted to until after twenty years and until universal adult suffrage has been established

III —NECESSITY OF DEFINING THE DEPRESSED CLASSES

The representation of the Depressed Classes has been grossly abused in ... the Depressed Classes were nominated ... and cases are not wanting ... sed Classes got themselves ... lasses This abuse was due ... power to nominate persons to represent the Depressed Classes he was not required to confine his nomination to persons belonging to the Depressed Classes Since nomination is to be substituted by election under the new constitution there will be no room for this abuse But in order to leave no loophole for defeating the purpose of their special representation we claim—

(i) That the Depressed Classes shall not only have the right to their own separate electorates but they shall also have the right to be represented by their own men

(ii) That in each Province the Depressed Classes shall be strictly defined as meaning persons belonging to communities which are subjected to the system of untouchability of the sort prevalent therein and which are enumerated by name in a schedule prepared for electoral purposes

IV —NOMENCLATURE

In dealing with this part of the question we would like to point out that the existing nomenclature of Depressed Classes is objected to by members of the Depressed Classes who have given thought to it and also by outsiders who take interest in them It is degrading and contemptuous and advantage ... to alter for

We have received a large number of telegrams from the Depressed ... all over India supporting the demands contained in this Memorandum

November 4th, 1931

APPENDIX VIII

MEMORANDUM ON THE CLAIMS OF INDIAN CHRISTIANS

By Rao Bahadur A T Pannir Selvam

Some of the statements made by the Congress representative and the attitude of the Indian National Congress towards *the vital needs of the* minority interests make it imperative that I should re-state my case on behalf of the Indian Christians

Mr Gandhi was reported to have said in last March as follows "If instead of confining themselves to purely humanitarian work and material

[illegible] to the poor, they (the foreign missionaries) limit their activities as [illegible] at present, to proselytising by means of medical aid, education, etc., then I would certainly ask them to withdraw. *Every nation's religion is as good as any other. Certainly India's religions are adequate for her own people. We need no converting spiritually."* This provoked criticisms and [illegible] all round.

[illegible] or curious," Mr. Gandhi characterised, in [illegible] *India* of April 23rd, *the report as a travesty of his views,* [illegible] *"If instead of confining themselves to purely humanitarian* [illegible] *services to the poor, and the like, they would* [illegible] *for the purpose of proselytising, I would certainly* [illegible]. *Every nation considers its own faith to be as good as that of any other. Certainly India's religions are adequate for her people.* [illegible] *in no need of conversion from one faith to another . . ."*

The rejoinder did not, however, improve the position.

Now, Mr. Gandhi undeniably occupies the unique position of leader, even dictator, of the strongest organised political body in India, which presumably is destined to be the ruling power in the event of *Swaraj*. One may, therefore justifiably assume Mr. Gandhi's statement to be indicative of the policy of the future governing class towards all proselytising faiths. The Christian community has been selected for the first warning, probably because of their comparative numerical helplessness. Naturally enough, Mr. Gandhi's words have been received *with a stir of genuine apprehension* by the great majority of Indian Christians. Subsequently he had "no doubt that in India under *Swaraj* foreign missionaries will be at liberty to do this proselytising 'in the wrong way'!"

Further, the Congress resolution on the question of fundamental rights was *studiedly silent on the question of proselytising or preaching religion*, although Mr. George Joseph, one time lieutenant of Mr. Gandhi, had specially written on the subject to the Convenor of the Subjects' Committee and had a reply to the effect that there would be no difficulty.

If the fears and anxieties of a minority community, such as mine, as to *their right of freedom of conscience under a Swaraj Government*, are to be allayed, I feel that there should be some statutory provision such as the following in the future constitution of the country:—

> "1. Every person of whatever race, caste, creed, or sex shall have the right to freely and openly profess, practice, and preach his religion, subject to public order and morality. *He shall also have the right to convert* by peaceful, legitimate, and constitutional methods, others to his faith.
>
> 2. No person shall, merely by reason of his change of faith, lose any of his civil rights or privileges or be subject to any penalty.
>
> 3. Persons belonging to any religion shall have a right to establish, manage, and control at *their own expense*, charitable, religious, and social institutions, schools, and other educational establishments, with the right to exercise their religion therein; and where specific sums of money from public funds, as set out in the State Budget or in the Budget of local or other public authorities, *are to be devoted to education*, religion, or philanthropy, a due share in the use and enjoyment of such sums shall be secured to these institutions as well."

Again, the attitude of the Congress spokesman to the representation of minorities in the legislative bodies has been peculiarly curious. If he had ruled out definitely all special representations, his position would have been intelligible. Having agreed to special representation of the Hindus, the Sikhs and the Muslims, how could the same privilege, in fairness, be denied to the other communities? Mr. Gandhi's "historical grounds" are hardly historical! Students of real history know that Christianity in India is at least centuries older than the Mussalman invasion of the country; and was flourishing in the land before the origins of Sikhism. Christians have played a very prominent part in the building up of the public weal,

and are therefore entitled to the same consideration as the sister communities Mr Gandhi s "historical grounds", it would appear, have reference to the Lucknow and other Congress resolutions The Christians as a community have never been a party to any of the pacts or resolutions of the Congress, and they should therefore not be denied with impunity their rights for adequate separate representation in the future Legislatures of their country

The Christians are, after all, the third largest religious community in India, numerically much superior to the Sikhs The social and economic condition of the Christians and the fact that they are scattered about the country, make it essential that their representation should be through a separate electorate of their own Reservation of seats in a joint electorate is impracticable in their case, and would hardly safeguard or serve their interests

I claim, therefore, on behalf of the Indian Christian community that in addition to the elemental right to profess practice and act up to the teachings of their religion, they should be given the right of representation through a separate electorate in the various legislative bodies of the new constitution and that they should be given such other privileges and rights as may be conceded to the other minority communities in India

October 20th, 1931

APPENDIX IX

FUNDAMENTAL RIGHTS TO BE INCORPORATED IN THE NEW CONSTITUTION FOR INDIA FOR THE ANGLO INDIAN AND DOMICILE EUROPEAN COMMUNITY

Memorandum by Sir Henry Gidney

To give effect to the resolution passed in the Services sub-Committee Clause 5 (4) of which reads —

"The sub-Committee [illegible] the special position of the Anglo-Indian [illegible]

(2) *Employment in Services* —It shall receive special employment on a living wage, based on their standard of living in the Executive and Ministerial Services in every administrative department of the State

(b) That [illegible] domiciled Europeans per centum [illegible] such Services as are employed on [illegible] omes into force shall continue for [illegible] constitution subject only to the [illegible] glo-Indians possessing the requisite [illegible]

(3) *Education* —(a) Subject to the powers and control of the Executive Minister it shall be given the right to administer and control its own educational institution i e, European education and, if it so desires it shall be permitted to levy an educational cess from its own members for the support of its education

(c) European education shall be specially protected by

(1) the retention of the present grants-in aid and the generous grant of an adequate number of scholarships

(2) the creation of an Education Trust Fund the equivalent of the present total annual expenditure on European education to which shall be added the funds of the Uncovenanted Service Family Pension

Fund and of any other similar Funds created and maintained by members of the community for the moral, educational, or material benefit of Anglo-Indians whether already closed, or about to be closed, owing to the demise of the beneficiaries thereunder or for any reason whatever. The income accruing to the said Trust shall be utilised for the purpose of granting educational scholarships to the members of the community.

(4) *Jury rights.*—All racial discrimination shall be eliminated in jury trials and Anglo-Indians shall be given equal jury rights with other communities in India. by

(*a*) the demand of "by legitimate descent" now made of the Anglo-Indian alone being deleted from the provisions of the Criminal Procedure Code. Sec. 4, Clause (1). Sub-Clause (ii);

(*b*) the accused, whoever he be, being given the right of claiming trial by either a European or an Indian jury and the words "or European as he may desire", being added to Section 275, Clause (i), and Section 284 (*a*), Clause (i)

DECLARATION OF RIGHTS SUBMITTED BY COL. GIDNEY FOR ALL MINORITY COMMUNITIES TO BE INCORPORATED IN THE NEW CONSTITUTION FOR INDIA ON 19TH JANUARY, 1931.

1. *Definition.*—A community shall be classified as a minority community if it shall be notified as such in the Gazette of India.

2. *Fundamental Right.*—All subjects of the State in India are equal before the law and possess equal civic rights [U. S. A. Constitution Amendment XIV and Government of Ireland Act, 1920, 10 and 11, Geo. V., Ch. 67, sec. 5 (2)]. Any existing enactment, regulation, order, custom or interpretation of law by which any penalty or disability is imposed upon or any discrimination is made against any subject of the State shall, as from the day on which this constitution comes into operation, cease to have any effect in India.

3. *Representation on Legislatures.*—Adequate representation on the Federal and Provincial Legislatures.

4. *Separate Electorates.*—All minority communities who so desire shall be given separate electorates which shall be retained till 75 per cent. of a community consent to forego the right, and desire otherwise.

5. *Public Service Commission.*—(*a*) In addition to the Public Service Commission already functioning under the Government of India, there shall be created a Public Service Commission in each Province charged with the duty of recruiting for the Public Services.

(*b*) Minority communities shall be collectively represented by not less than one of its members on each Provincial Commission and on the Commission already functioning under the Government of India. These representatives shall be nominated by the Governor-General or the Governor as the case may be.

(*c*) It shall be the duty of the Public Service Commission, subject to the test of efficiency as may be prescribed—

(1) to recruit for the Services in such a manner as shall secure due and adequate representation of all communities, and

(2) to regulate from time to time priority in employment in accordance with the existing extent of representation of the various communities in any particular service.

6. *Representation in Cabinets.*—(1) In the Federal Cabinet, one Minister and two Parliamentary Under-Secretaries shall be chosen from and be collectively representative of the minority communities.

(2) In each Provincial Cabinet one Minister and one Parliamentary Under-Secretary shall be chosen from and be collectively representative of the minority community.

(3) Such Ministers shall be nominated by the Governor General or the Governor as the case may be and given a special portfolio with a special Statutory Department for the protection of minority interests

N B—If No 6 cannot be statutorily enacted it should be incorporated in the Instrument of Instructions to the Governor General and Governors as a specific mandate to them with powers to act in such matters independently of the views of their Ministry

7 *Appeal*—Should the Federal Government or any Provincial Governments fail to comply in any or all of the foregoing provisions an appeal shall lie in the case of an order of the Federal Government to the Secretary of State for India or any other higher tribunal and in the case of the Provincial Government to the Federal Government in the first place and from the order of the Federal Government to the Secretary of State for India or any other higher tribunal

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APPENDIX X

THE MARATHAS AND ALLIED COMMUNITIES

Memorandum by Mr B V Jadhav

When the Montagu Chelmsford Reforms were under consideration the non Brahmins of Madras and the Marathas of Bombay started an agitation to protect their interests from the dominant influence of the advanced communities In the Government of India Act of 1919 their claims were recognised and some seats were reserved for them in multiple seat constituencies

The non Brahmin movement in Madras is co extensive with the boundaries of that Province, and in all the four elections they have been able to secure more seats than were reserved to them and hardly any occasion may have arisen when the concession of reserved seats came into operation Nobody in Madras is therefore keen on preserving the right of reserved seats

In the Bombay Presidency the conditions are different There is of course the non Brahmin movement there also but it is confined to the Marathas and lingayets of the districts in which the Marathi and Canarese languages are spoken In Sind and Gujerat the social conditions are vastly different and there no Hindu community except the Depressed Classes asks for special protection The Marathas and the allied communities who have so far enjoyed protection under the reservation clause are desirous that the concession should be continued for a further period

It is to be noted that the Government of Bombay are of opinion that the concession is no longer necessary This was probably due to the absence in the Government of anybody who knew the real condition of the people

I urged that the concession should be continued

Four elections were held since the passing of the Government of India Act in 1919 The first election of 1920 and the fourth of 1930 cannot be considered to be normal as the Congress in those years refused to take any part in them In those years the elections were uncontested in many con
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Maratha candidate would succeed if the right of a reserved seat was taken away The same is proved by the fate of Maratha candidates in the Ahmednagar and Ratnagiri districts in 1926 Out of the six reserved seats in three the right of reservation was claimed The seventh reserved seat is not fixed but is taken in turn by the districts of Sholapur Kolaba and West Khandesh In 1923 this seat was reserved in the Kolaba District but in the Sholapur and

West Khandesh districts it was open to all communities without reservation. In this year no Maratha candidate was elected either in Sholapur or West Khandesh.

Similarly, in the following election the seat was reserved in West Khandesh but left open to all communities in Kolaba, and there again the Maratha candidate failed. This will show that the Maratha and allied communities have not yet become sufficiently organised and therefore require protection for a further period.

The principle of reservation works as a safety valve. In ordinary circumstances it does not operate at all but automatically comes into operation only when an emergency arises. It is therefore not necessary to take away the right of reservation. When no longer necessary it will remain unused.

I therefore submit that the right of reserved seats should be continued as under the present Act.

November 18th, 1931.

APPENDIX XI.

LABOUR UNDER THE NEW CONSTITUTION.

Circulated by N. M. Joshi, Mr. B. Shiva Rao and Mr. V. V. Giri.

I am making this statement on the subject of Labour in the new constitution with the consent and approval of my two colleagues.

First, let me say a word as to the number of those who would come under the category of Labour. Precision is not possible in this matter, as the details of the Census Report of 1931 are not yet fully available. We include in the category of Labour all those who are wage-earners, whether in fields, plantations or factories. A memorandum was prepared in the India Office in 1921 and submitted to the Council of the League of Nations to urge the inclusion of India among the leading industrial states of the world. According to the figures mentioned in that memorandum, there were 27·8 million agricultural workers employed as farm servants and field labourers in India in 1911. This figure includes workers in the tea, coffee, rubber and indigo plantations, but does not include the much larger class of small holders and tenants who numbered at that time over 40 million. The estimate of workers in industries, mining and transport is given as approximately 20·2 million The total number of workers in India would, therefore, be 48 million.

This was in 1911. During the last 20 years there has been an increase in general population by about 10 per cent. Cultivation has been extended and industries have been developed on a considerable scale. Our estimate of the total number of workers at the present moment is, therefore, between 55 and 60 million. Of these, an appreciable number is drawn from the Depressed Classes, whose representatives have put forward their special needs and claims, but what exact proportion they form is difficult to say without a proper enquiry. Nevertheless, it is safe to estimate that the rest of Labour, excluding for the moment those belonging to the Depressed Classes, would be about 35 million, or 10 per cent. of India's population.

(1) *A Declaration of Rights.*—At a meeting of the Minorities sub-Committee last year, Mr. Shiva Rao read out the Declaration of Rights which, in our opinion, should be inserted in the constitution. It may be enlarged to suit the requirements of other minorities, but so far as Labour is concerned, these points should find mention:—

"Recognising that the well-being, physical, moral and intellectual, of the workers of India is of supreme importance in assuring the peace, progress-

and prosperity of the country, and recalling the solemn obligations of India as a Member of the League of Nations, and of the International Labour Organisation, to endeavour to secure and maintain fair and humane conditions of labour for men, women and children, and to collaborate in the international establishment of social justice, the Commonwealth declares the following principles to be accepted as fundamental principles of the constitution, and as regulating the exercise of the legislative, executive and judicial powers within the Commonwealth —

(1) It is the duty of every citizen so to use his mental and bodily powers as to contribute to the welfare of the community, and correspondingly it is the duty of the community to secure so far as lies in its power, that every citizen shall be given the training and opportunities necessary to enable him to maintain by his work a decent standard of living,

(2) The Indian Parliament shall make suitable laws for the maintenance of health and fitness of work of all citizens, the securing of a living wage for every worker and provision against the economic consequences of old age, infirmity and unemployment,

(3) The protection of motherhood and the rearing of the rising generation to physical, mental and social efficiency are of special concern to the Commonwealth, Women young persons and children shall therefore, be protected against moral spiritual or bodily injury or neglect and against exploitation and excessive or unsuitable employment,

(4) The welfare of those who labour shall be under the special protection of the Commonwealth and the conditions of Labour shall be regulated, from time to time as may be necessary with a view to their progressive improvement,

(5) The right of workers to express their opinions freely by speech writing or other means, and to meet in peaceful assembly and to form associations for the consideration and furtherance of their interests shall be granted by the Commonwealth Laws regulating the exercises of this right shall not discriminate againt any individual or class of citizens on the grounds of religious faith, political opinion or social position,

(6) No breach of contract of service or abetment thereof shall be made a criminal offence,

(7) The Commonwealth shall co-operate with other nations in action to secure the realisation of the principle of social justice throughout the world,

(8) All citizens in the Commonwealth have the right to free elementary education without any distinction of caste or creed in the matter of admission into any educational instructions maintained or aided by the State and such right shall be enforceable as soon as due arrangements shall have been made by competent authority

(9) All citizens are equal before the law and possess equal civic rights,

(10) All citizens have an equal right of access to and the use of public roads public wells and all other places of public resort '

(2) *Labour Legislation, a Federal Subject with concurrent powers to the Provincial Legislatures* —Our next point is that labour legislation should be a federal subject, with power for the Provincial or State Legislatures also to legislate but not, as the Royal Commission on Labour observed in its Report issued a few months ago, " so as to impair or infringe the authority " of the Federal Legislature

(3) *The Ratification of International Labour Conventions to be a concern of the Federal Government* —We desire that the power to ratify International Labour Conventions should be vested in the Federal Government

It is not necessary to elaborate either of these points, as they fall really within the scope of the discussions of the Federal Structure Committee, and I still hope I shall have an opportunity of raising them.

(4) *The Introduction of Adult Suffrage.*—For a similar reason I shall not do more than mention the point that the introduction of adult suffrage is vital from the workers' point of view. We found ourselves in a minority in advocating it in the Franchise sub-Committee last year; but we are glad to see that Mr. Gandhi and the Congress are also in favour of it, and we hope that with his powerful assistance we shall secure adult suffrage.

We shall have no objection. if on detailed enquiry, it be found that universal adult suffrage would be impracticable as the next stage, to some qualification being made, such as raising the age limit to 25 years, provided that the restriction applies equally to all classes. But we do ask for immediate recognition of the principle of adult suffrage in the terms of reference of the Expert Franchise Committee that is hereafter to be appointed.

(5) *Joint Electorates.*—We are opposed to the continuance of separate electorates for communities divided according to religion or race. Our experience of the Indian Trade Union movement strengthens our conviction in the efficacy and soundness of not dividing the community on a religious or racial basis. Communal and racial feelings have had comparatively little influence on the movement and the workers are organised as an economic class, not as Hindus, Muslims or Untouchables. Our grave fear is that communal electorates, with the introduction of adult suffrage, will create a false division among the workers and break the solidarity of the working-class movement. If the workers are divided not on the basis of an economic class, but of religion or race into Hindus and Muslims and Christians, etc., their proportion of votes in every constituency will be considerably less than if they are allowed to vote together as an economic class, and they are bound to lose the effect and influence they would possess. The vast majority of the workers are illiterate and heavily in debt. Only a small number of the industrial workers is as yet organised, and so far as those engaged in agriculture and on the plantations are concerned, they have been practically untouched by the working-class movement. Under these circumstances it would be an intolerable handicap on the workers to force on them a system of electorates based on religion or race, the demand for which proceeds, not from them, but only from a small section of the educated classes. Moreover, this wrong division will throw a powerful barrier in the way of the development of the movement and prevent the organisation of political forces on an economic basis. The communal problem we hold is a problem of the past. The real problems of the future will be economic and social and it would be wrong to build the constitution in a manner which has no relation to the realities of to-morrow.

We would prefer a division of the electorates on an occupational rather than a communal or a territorial basis, in order to bring into the Legislatures elements which, because of their lack of organisation and influence, might fail to secure adequate representation. But the least we can do now is to oppose the extension of the principle of electorates based on religion or race to the workers as being detrimental to their interests.

Our position is that if adult suffrage is introduced on a basis of joint electorates, and no other special interests are recognised, Labour will not ask for a reservation of seats or the creation of special constituencies. But in the event of even one of these conditions failing to the fulfilled, Labour must have both.

So far as the total number of Labour seats is concerned, we ask for no weightage. But representation of Labour can and must be on the population basis; that is, ten per cent. in the Federal Legislature, and if the decision ultimately be in favour of a bicameral system, then in each House of the Legislature. With regard to the Provincial Legislatures also, the numbers will have to be ascertained in each Province, and the seats allotted in their proportion to the total population of the area.

I cannot do b tter than quote the following passage from the Report of the Royal Commission on Labour with which we entirely agree —

The Whitley Commission s Report observes (p 462)—

"There are several directions in which the adequate representation of Labour should benefit both itself and the community In the first place, the presence of representatives able to voice the desires and aspirations of Labour and to tran late these into concrete proposals is essential for the proper consideration of measures specially affecting Labour But the welfare of Labour does not depend purely on what may be called labour measures its good depends on the whole trend of policy and legislation More adequate representation of Labour is necessary for its prospection in this respect and if given the oppor

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both agricultural and industrial and those who have to deal with the representation of labour in detail will no doubt have regard to the whole field"

The Commission has also recommended it is to be noted that the principle of election should be substituted for that of nomination and registered trade Unions should form special constituencies for the purposes of election We accept these suggestions and trust that they will commend themselves to the Conference

As regards agricultural and plantation labour some other method of election will have to be devised as there are no trade Unions among the workers of these two classes But we do not think it will be impossible for the Expert Franchise Committee to make concrete suggestions on the point The question is worth considering whether *Kisan Sabhas* or organisations of agricultural workers wherever they exist may not be registered under a law analogous to the Trade Union Act and regarded as a special electorate At all events we ask the Conference to endorse without qualification the principle that these millions of workers are entitled to an adequate share in the government of their country

November 13th 1931

APPENDIX XII

MEMORANDUM FOR THE MINORITIES COMMITTEE

By Sir Chimanlal Setalvad

It is a thousand pities that the communal difficulties have not yet been

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that the present deadlock in the solution very much exaggerated and is being exploited in certain quarters for retarding the full constitutional advance which India demands

A critical examination of the points of difference reveals that there is considerably more agreement than disagreement, and the contro points are narrowed down to small proportions

separate electorates should not be extended farther than where they exist and the other minorities should be secured their proper representation by reservation in joint electorates What is hoped is that the Muslims and the

separate compartments

As regards the Depressed Classes my sympathies and those of all right-thinking men are wholly with them The treatment that they have received in the past and are suffering under even now reflects great discredit on the class Hindus who are responsible for the same but it will not be patriotic for the Depressed Classes because of their exasperation to insist upon separate electorates They should certainly be made secure by reservation of seats The percentage of representation to be given to them must depend on various considerations—e g the number of people available for the task—and not merely on the thumb rule of numerical proportion At present in the Central Legislature they have only one seat and that also by nomination This is certainly wholly inadequate and unjust and they should be given immediately a much larger number to be progressively increased and brought up ultimately to their numerical proportion as by education and other means men fitted for this work become available

The real and substantial points of disagreement are thus reduced only to the allocation of representation in the local Legislatures of the Punjab and B

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Majesty's Government There is no reason why the Muslims Hindus Sikhs Depressed Classes and Europeans should not without any hesitation agree to abide by the decision of the
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allocation of seats in the Punjab and Bengal is to accept the Government of India's proposals about it with such variation as may be required in view of the latest census figures

There is one aspect of joint and separate electorates which I earnestly
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Such a provision will demonstrate the strength of the opinion of those who believe in joint electorates, and will also afford an avenue for ultimately absorbing everybody into joint electorates as the strength of opinion in favour of joint electorates progressively grows.

For the views put forward and the suggestions made by me I beg my brother Delegates' unprejudiced consideration. They are capable of further adjustment wherever necessary, and I implore all to put their heads together for a solution. I have no communal bias and I belong to no communal organisation.

November 9th, 1931.

APPENDIX XIII.

REPRESENTATION OF WOMEN IN THE INDIAN LEGISLATURE.

Memorandum by Mrs. Subbarayan.

The framing of a new constitution for India offers an opportunity for considering fully the question of the representation of women on the Indian Legislatures of the future. It is obviously desirable that the ordinary channels of election should be open to women; but the question arises as to whether there is any likelihood of their securing election through the ordinary poll. Even in Western countries, where it has long been the custom for women to take part in public affairs, very few of them even now secure election to the Legislatures. In India they have only recently begun to emerge into public life, and, moreover, they are in a peculiar position owing to the social disabilities to which they have long been subject. Consequently there is bound to be strong prejudice on the part of both men and women against their coming into the Councils. There are also almost insurmountable practical difficulties to their candidature, such as that few women have sufficient means to stand, that—in our vast electoral areas—it would be extremely difficult for them to tour, to get into touch with voters, etc. It seems obvious that, for a considerable time, until the public becomes sufficiently educated, it is extremely unlikely that women will be returned in India through the ordinary poll. And yet, especially during the first vital and formative years of the new constitution, when the foundations of our social and educational policy (which affect women so closely) and indeed of our policy in all matters, are laid, it will be most important to have women on the Legislatures. They should be there in particular to impress on the Legislatures the necessity for social legislation, which is so urgently required. But besides that contribution to public life, their presence on the Legislatures should be a means of educating the public and of cultivating in women a due sense of responsibility and administration. Mahatma Gandhi, whose knowledge of political conditions in India is unsurpassed, during his speech at the Federal Structure Committee on September 17th, visualised the possibility of women not being elected to the Legislatures, and indicated his belief that some arrangement should be made to meet this eventuality. If some special provision for securing their presence is not made, it is possible—indeed likely—that their claims will recede further and further into the background. It will have a great effect if, from the start, it is shown in practice as well as in theory, that the co-operation of women on the Legislatures is normal and desirable.

There is considerable support in India for the view that some special provision is necessary. I have received large numbers of letters from women doing important social and educational work in many parts of India, asking me not to fail to press this view on the Conference, otherwise I should have been slow to put it forward. Delegates have no doubt also received a Memorandum opposing it from three women's organisations in India—organisations whose views I sought last year, but was not fortunate enough

to secure Their opposition is apparently based on the belief that if equ
of civic rights is granted to women in India equality of opportunity in
service will automatically follow and that owing to the part played
women in the recent political struggle women now realise their strength
do not require special provision These theories seem to me to be
removed from the realities of the situation These three women's orga
ations are associations of importance but I cannot admit that they speak f
the entire womanhood of India While welcoming the fact that the politic
struggle has brought many thousands of women out into public life I feel
essential to acquire a true perspective of the whole picture and to realis
that there remain over a hundred and twenty million women and girls i
India who are still in a state of civic inertia and who have not yet attaine
self-confidence or political consciousness It is for the sake of this over
whelming majority of women that I believe special provision to be necessary
I am convinced that one practical step forward which will ensure the
presence of women on the Legislatures working side by side with men as a
normal feature of our political life will do more for them than any theories
of equality

The opposition to special provision for women in this Memorandum is also based on the assumption that Adult Suffrage will come into existence Even if Adult Suffrage is secured I think the above arguments hold good If however, Adult Suffrage is not achieved or only gradually achieved then special provision will be all the more necessary

I have given much anxious thought to the form in which such special provision should take Nomination is obviously unsuitable The ordinary reservation of seats, involving separate electorates, appropriation of a share of existing seats and a permanent claim to them is equally undesirable The solution which the Women's Delegation [illegible] the Minorities sub-Committee proceedings page [illegible] namely that the Legislatures themselves, after their own election should for a temporary period elect a fixed proportion of women to Legislature [illegible] still seems to me the most suitable

The suggestion then also made—that the proportion of women to be elected should be five per cent of the elected Legislature that the temporary period should be for three elections and that the election of women should be made by proportional representation so as to avoid the complications of the communal question also seem to me still to be the best fitted to the circumstances I would however now—in order to meet the divergence of views among Indian women on this matter—make a further suggestion namely that such a scheme might be optional on all Legislatures Central or Provincial to adopt or not as they think fit

It may well be that some other proposal better than the above outlined scheme—one that would attain the same end—may be devised and in that case I would willingly accept it In this matter I regard myself as a member of no party community or class but simply as voicing the view of an educated and intelligent section of women's opinion in India which believes special provision for women to be in the best interests of women in general and in those of the nation at large (which must inevitably be closely identified with women's interests) It does not seem to us that it is in the least derogatory to ask for such special provision to meet existing facts nor can it be considered either a privilege or a favour Indeed membership of a Legislature in our opinion is a heavy responsibility and a duty rather than a privilege or a favour If we are told that there is no analogy for such a proposal in the constitutions of other countries I would urge that in this matter we should not be entirely guided by outside precedents Indeed the experience of women in other countries suggests that Indian women will be wise in taking steps to strengthen their political status from the very beginning of the new constitution If such a special measure as has been suggested above for the initial and transitional period could be made I feel that the position of women in the India of the future would be made secure

November 11th, 1931

APPENDIX XIV.

MEMORANDUM REPRESENTING THE VIEWS OF A NUMBER OF INDIAN WOMEN'S ORGANISATIONS.

Presented to the Conference by Mrs. Naidu and Begum Shah Nawaz.

We herewith beg to submit the official Memorandum jointly issued on the status of Indian women in the proposed new Constitution by the All-India Women's Conference on Education and Social Reform, the Women's Indian Association and the Central Committee of the National Council of Women in India. These three premier Organisations include the great majority of progressive and influential women of all communities, creeds and ranks who are interested in social, educational, civic or political activities, and are accredited leaders of organised public opinion amongst women.

This Manifesto, signed by the principal office bearers of these important bodies, may be regarded as an authoritative statement of representative opinion, duly considered and widely endorsed, on the case and claim of Indian women.

We have been entrusted with the task of presenting to the Round Table Conference their demand for a complete and immediate recognition of their equal political status, in theory and practice, by the grant of full adult franchise, or an effective and acceptable alternative, based on the conception of adult suffrage.

We are further enjoined to resist any plea that may be advanced by small individual groups of people, either in India or in this country, for any kind of temporary concessions or adventitious methods of securing the adequate representation of women in the Legislatures in the shape of reservation of seats, nomination or co-option, whether by Statute, Convention, or at the discretion of the Provincial and Central Governments. To seek any form of preferential treatment would be to violate the integrity of the universal demand of Indian women for absolute equality of political status.

We are confident that no untoward difficulties will intervene in the way of women of the right quality, capacity, political equipment and record of public service in seeking the suffrages of the nation to be returned as its representatives in the various Legislatures of the country.

We ask that there should be no sex discrimination either against or in favour of women under the new constitution.

Will you be so good as to treat our covering letter as part of the official document submitted to you on behalf of our Organisations.

November 16th, 1931.

MEMORANDUM ON THE STATUS OF INDIAN WOMEN IN THE PROPOSED NEW CONSTITUTION OF INDIA.

The All-India Women's Conference, The Women's Indian Association and The Central Executive Committee of the National Council of Women in India welcome and endorse the Declaration of the fundamental rights of citizenship in India under the future constitution drawn up by the accredited leaders of the Nation, namely:—

"Equal rights and obligations of all citizens, without any bar on account of sex.

No disability to attach to any citizen by reason of his or her religion, caste, creed or sex in regard to public employment, office, power or honour and in the exercise of any trade or calling."

Therefore, the conditioning of the right of franchise, either by property or literacy qualifications, would be *fundamentally inconsistent with the Declaration of Rights above quoted.*

In these circumstances, the All-India Women's Conference, the Women's Indian Association and the Central Executive Committee of the National Council of Women in India, consider the immediate, unqualified and unconditional adoption of the principle of *Adult Franchise* to be the best and most *acceptable mode of assuring* and securing political equality between the men *and women of this country.* They unhesitatingly consider all conditions or qualifications or tests for the exercise of this right, whether based on property or literacy, to be needless impediments in the way of the enjoyment by women of civic equality.

Accordingly they recommend that:—

Every man or woman of the age of 21 should be entitled to vote and to offer himself or herself as a candidate at any election to an Administrative or Legislative Institution.

Representation.

We are confident that, if this practical equality is secured for women in the matter of Franchise, they will be able to find their way into the Legislative and Administrative Institutions of the country through the open door of ordinary election.

No special expedients for securing the presence of women on these bodies, such as reservation, nomination or co-option would then be necessary.

The Women of India have no desire to seek any specially favoured treatment for themselves, provided that their full and equal citizenship is recognized in practice as it is in theory.

Public Services and Employment.

It is but a corollary to this practical equality between men and women that women should be eligible, in the same way as men and on the same conditions, for all grades and branches of the Public Services, as they are entitled, under the Declaration of Rights, to equality in the exercise of all trades, professions and employment.

Disqualifications.

As distinguished from the *qualifications*, etc., for voting, in which the women of India demand an absolute and effective equality, the disqualifications for the exercise of civic rights should be based on purely personal grounds.

Thus, the fact of a woman's relationship to a man or the disqualification, if any, attaching to her male relative of any degree, should in no way prevent her from exercising to the full her legitimate rights.

August, 1931.

APPENDIX XV.

COMMUNAL REPRESENTATION.

Memorandum by Sir Provash Chunder Mitter.

As the Minorities Committee will meet soon, I think that as the sole Hindu representative from Bengal on that Committee, I ought to place the position with regard to Bengal before my fellow Delegates.

The claims on behalf of the different minorities have been put forward as follows —

In the first two cases I am ignoring decimals—

	Per cent
Muslims	55
Backward Classes	25
European Communal	5
Indian Christians	3
Anglo-Indians	2
Total	90

Since then I have seen it stated in the Press that Mahatma Gandhi offered 51 per cent instead of 55 per cent to the Muslims The above claims do not take into account the claims for class seats So far as I am aware the claims for class seats are —

	Per cent
British (at present they have 11 in a House with 114 elected members)	10
Labour (a number of seats but I am not aware of the actual percentage claimed)	
Indian Trade and Commerce	5
Landlords	7½
Universities	
Total	24½

It will appear from the above that if all these claims are admitted or epted the total is considerably over 100 per cent and that the Hindus her than the Backward Classes) whose population runs into many millions not have any seats from the general electorate

This position of course is untenable and a mere statement of facts show what the position is

Although I am the sole Hindu representative from Bengal on the Minori s Committee no offer has yet been made to me nor even was the question cussed either with me or with any of my Hindu fellow Delegates from ngal who are not on this Committee by the Muslim group I was wever told a few days ago by one of the Muslim representatives from ngal that the Muslim delegation is of the opinion that the question should settled on an All India basis

November 11th, 1931

PPLEMENTARY MEMORANDUM BY SIR PROVASH CHUNDER MITTER

With reference to the claim of the Muslims regarding a statutory majority the whole House on the basis of communal electorates I desire to put on rd that before I left India I consulted *Hindu-elected* members of the al Legislative Council members of the Executive Committee of the

and not to special or class seats In this connection there is another point which should be mentioned, namely, that seats for Europeans Anglo Indians and Indian Christians, should in every Province come from the majority community and not from the minority community As regards other class seats like Labour, Landlords Indian Trade and Commerce (but not British Trade and Commerce), the seats may well come from both the communities, although in point of fact at
Province one community r
no reason however, why-
real political progress is pc
a temporary nature

20th November, 1931

APPENDIX XVI

THE COMMUNAL PROBLEM IN THE PUNJAB

Memorandum by Sir Geoffrey Corbett
(circulated at the request of Mr M K Gandhi)

The communal problem in the Punjab may be stated as follows —

A The Muslims, being a majority of the population claim to have a majority in the Legislature For this they consider separate electorates to be necessary, because their numerical majority is not sufficient to outweigh the greater wealth and influence of other communities to which the Muslim ryots are stated to be heavily indebted

B The Sikhs would prefer joint electorates But if the Muslim have separate electorates, the Sikhs claim—

(a) that Muslim representation by separate electorates must be less than 50 per cent of the whole Legislature

(b) that the Sikhs must also have separate electorates with substantial weightage as claimed by Muslims in Provinces where they are a minority

C The Hindus desire joint electorates but they are willing to accept any compromise which satisfies the following principles —

(a) There must be no reservation of seats for a majority community which would give it a "statutory majority" in the Legislature

(b) The reservation of seats for a minority community must not be less than its population basis that is weightage must not be conceded to other communities at the expense of a minority community

2 It cannot be said that any one of these claims is unreasonable or should properly be abandoned The fact is that in the Punjab as now constituted the communities are so distributed that their legitimate claims are irreconcilable There is no margin for allowances and a solution is on a mathematically impossible Further a solution that is dependent on population percentages can have no finality but must be subject to revision at each ensuing census The problem has indeed been substantially affected even since the last Session of the Conference by the publication of the recent census figures

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a temporary nature

20th November, 1931

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(a) There must be no reservation of seats for a majority community which would give it a statutory majority in the Legislature

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3. If then a solution is practically impossible in the Punjab as now constituted, the logical remedy would be to re-adjust the boundaries of the Punjab. It would be unwise and unjustifiable to "jerrymander" provincial boundaries for communal purposes. There is, however, a demand for a general redistribution of Provinces. To quote Chapter IV of the Nehru Committee's Report, "the present distribution of Provinces in India has no rational basis. It is merely due to accident and the circumstances attending the growth of the British power in India". The resultant Provinces, though possibly convenient for the purposes of British rule, are not necessarily suitable units for responsible self-government. Redistribution should be considered on the following grounds:—

(a) linguistic, ethnical and historical;

(b) economic, geographical and administrative.

I propose now to approach the Punjab problem from this point of view, without regard to communal considerations.

4. Historically the Ambala Division is part of Hindustan; its inclusion in the Province of the Punjab was an incident of British rule. Its language is Hindustani, not Punjabi; and its people are akin to the people of the adjoining Meerut and Agra Divisions of the United Provinces rather than to the people of the Punjab.

Economically, the most important factor in the life of an agricultural people is irrigation. It is administratively desirable that an irrigation system should be controlled by a single provincial Government. Otherwise there will inevitably be disputes about the distribution of water, involving perhaps a permanent inter-provincial Irrigation Commission or the intervention of the Federal Government. The Ambala Division is not irrigated from the Five Rivers, but from the Jumna system, on which the adjoining districts of the United Provinces also depend. But the Simla district and the north-wes[t] corner of the Ambala district, which are watered by the Sultej, and contai[n] the head-works of the Sirhind canal, should remain in the Punjab.

5. It is fair to assume, therefore, that in any rational scheme for t[he] redistribution of Provinces the Ambala Division, less the Simla district [and] the north-west corner of the Ambala district, would be separated from [the] Punjab. The unwieldy United Provinces might also be divided into a west[ern] Province of Agra, which would include the Ambala Division, and an eas[tern] Province of Oudh; but this is a matter which is beyond the scope of [this] memorandum. It remains to be considered how such a reconstitution o[f the] Punjab would affect the communal problem.

6. The population of the new Punjab would compare with the popu[lation] of the existing Punjab as follows:—

(Figures in thousands.)

	As now constituted.	Per cent.	Without Am[bala] Division (less ...)
Muslims	11,444	55·3	10,445
Hindus	6,579	31·8	3,997
Sikhs	2,294	11·1	2,137
Others	367	1·8	324
	20,685		16,903

The figures of the 1921 census have been taken because the district communal figures of the 1931 census are not yet available The figures of the 1931 census for the Province as now constituted are as follows —

	(Figures in thousands)	Per cent
Muslim	13 332	56 5
Hindus	6 [illegible]	28 6
Sikh	[illegible] 64	1[illegible] 0
Others	46[illegible]	1 9
	23 [illegible]81	

It follows that the total population of the new Punjab would be about 19 millions and the percentages of Muslims and Sikhs would be somewhat higher than the 1921 percentages

7 To what extent then would it be possible in the reconstituted Province to satisfy the claims of each community as stated at the beginning of this memorandum?

A The Muslims being 62 per cent of the total population would be sure of a majority in the Legislature through territorial constituencies with joint electorates without reservation of seats provided that the qualifications for the franchise were so determined as to reflect their numerical strength in the electoral roll

The Franchise sub Committee and the scheme of the Congress Working Committee have already recommended that the franchise should reflect in the electoral roll the proportion in the population of every community

The basis of territorial constituencies with joint electorates would naturally be the existing administrative districts The western districts of the Punjab are predominantly Muslim and the eastern districts are predominantly Sikh and Hindu Excluding Simla which has a population of only 45 000 and may be grouped for electoral purposes with the adjoining hill district of Kangra there are now 28 districts in the Punjab and in 15 or 53 per cent of them the Muslims are more than 60 per cent of the population Without the Ambala Division there would be 23 districts and in 15 or 65 per cent of them the Muslims would be more than 60 per cent of the population

B The Sikhs would have the joint electorates which they prefer and through which they feel that they can best exercise their influence They would no longer require separate electorates or weightage Further their numerical strength would be relatively increased from 11 1 per cent of the population in the province as now constituted to 12 6 per cent according to the figures of 1921 and about 15 per cent according to the figures of 1931

C The solution satisfies the two principles with which the Hindus are [illegible] willing to compromise there would be no statutory majority [illegible] reservation of seats and no weightage at the expense of a minority community The Hindu proportion of the population would be substantially diminished but they would have the joint electorates which they desire and through which in their view a minority community is best able to exercise its influence

October 1?th 1931 P

PUNJAB—1921 CENSUS.

(Population in thousands.)

Districts.	Hindus.	Per cent.	Muslims.	Per cent.	Sikhs.	Per cent.	Others (Mostly Christian).	Per cent.	Total.
Rawalpindi Division.	300	8·9	2,073	86·1	153	4·4	26	0·7	3,461
(1) Gujrat . .	63	7·7	710	86·3	49	5·9	2	[illegible]	824
(2) Shahpur . .	82	11·4	596	82·8	30	4·2	12	1·6	720
(3) Jhelum . .	35	7·3	423	88·7	19	4·0	—	—	477
(4) Rawalpindi .	57	10·0	470	82·6	32	5·6	10	1·8	569
(5) Attock . .	26	5·1	466	91·0	20	3·9	—	—	512
(6) Mianwali . .	46	12·8	309	86·4	3	0·8	—	—	358
Multan Division.	622	14·8	3,246	76·9	290	6·9	60	1·4	4,218
(7) Montgomery .	95	13·3	513	71·8	96	13·5	10	1·4	714
(8) Lyallpur . .	181	18·5	595	60·7	161	16·5	42	4·3	979
(9) Jhang . .	85	14·9	475	83·3	9	1·6	1	0·2	570
(10) Multan . .	134	15·1	732	82·2	18	2·0	6	0·7	890
(11) Muzaffargarh .	70	12·3	493	86·8	5	0·9	—	—	568
(12) Dera Ghazi Khan.	57	12·2	411	87·6	1	0·2	—	—	469
Baluch Trans-Frontier Tract.	—	—	27	—	—	—	—	—	27
Lahore Division.	1,124	22·4	2,849	57·1	813	16·3	211	4·2	4,997
(13) Lahore . .	256	22·6	648	57·4	180	15·9	47	4·1	1,131
(14) Amritsar . .	204	22·0	424	45·6	287	30·9	14	1·5	929
(15) Gurdaspur .	259	30·4	423	49·6	138	16·2	32	3·8	852
(16) Sialkot . .	218	23·2	581	62·0	75	8·0	64	6·8	938
(17) Gujranwala .	102	16·4	443	71·0	51	8·2	28	4·4	62
(18) Sheikhupura .	86	16·5	331	63·3	83	13·9	23	4·3	52
Jullundur Division (+ Simla).	1,042	45·9	1,377	32·7	881	20·8	27	0·6	4·2
(19) Kangra and Simla.	755	93·1	45	5·6	3	0·4	8	0·9	
(20) Hoshiarpur .	500	54·0	289	31·2	133	14·3	5	0·5	
(21) Jullundur .	245	29·8	367	44·6	206	25·0	5	0·6	
(22) Ludiana . .	136	24·0	193	34·0	236	41·5	3	0·5	
(23) Ferozepore .	306	27·9	483	44·0	303	27·6	6	0·5	
Ambala Division. (less Simla).	2,582	68·3	999	26·4	157	4·2	44	1·1	
(24) Hissar . .	548	67·1	216	26·4	46	5·6	7	0·9	
(25) Rohtak . .	030	81·6	125	16·2	1	0·1	16	2·	
(26) Gurgaon . .	460	67·5	217	31·8	1	0·1	4	0	
(27) Karnal . .	573	69·1	236	28·5	12	1·4	8	1	
(28) Ambala . .	370	54·2	206	30·2	98	14·4	8		
Punjab (Total) .	6,579	31·8	11,444	55·3	2,294	11·1	368		

APPENDIX XVIA

NOTE ON THE REDISTRIBUTION OF THE PUNJAB

By Raja Narendra Nath

Sir Geoffrey Corbett's scheme of the separation of Ambala Division from the Province as at present constituted is unacceptable to me for the reason for which the Sikh scheme of partition is unacceptable to the Muslims. The Sikh scheme reduces the Muslim population from 56 per cent at present to 44 per cent in the new Province. Sir Geoffrey's scheme reduces the Hindu population from 29 per cent to 23 per cent.

I have not been able to ascertain the views of the Hindus in various parts of the Punjab. I do not know what the Hindus of the Western Punjab may have to say to their being joined on to N W F P. But if the new Province is formed as proposed by the Sikhs reservation of seats for the Hindu minority on the basis of population will be absolutely necessary.

I find that Sir Geoffrey Corbett's scheme which appeared to have been received with delight by the Muslims here is unacceptable to the Muslims of U P. On the whole I think that partition of Punjab will afford no solution of the Communal problem. All partition schemes should in my opinion be shelved.

November 13th, 1931

APPENDIX XVII

A SCHEME OF REDISTRIBUTION OF THE PUNJAB

Memorandum by Sirdar Ujjal Singh

According to 1921 census, the Punjab has a total population of 20 685 024. The Muslim and Sikh population in the five divisions into which Punjab is divided for administrative purposes is as follows —

	Muslim		Sikh	
	Population	Per cent	Population	Per cent
Ambala Division	1 006 000	26 3	158 000	4 2
Jullundur Division	1 370 000	32 8	856 000	21 0
Lahore Division	2 849 000	57 0	813 000	16 2
Multan Division	3 246 000	76 9	290 000	6 9
Rawalpindi Division	2 973 000	80 0	183 000	4 9

It is clear from the above table that Rawalpindi and Multan Divisions are overwhelmingly Muslim divisions. There are two districts, however, in Multan Division namely, Lyallpur and Montgomery, which are colony districts. A considerable population of the central Punjab has settled down there. The Sikhs being good colonists have settled in fairly large numbers in those two districts, as they constitute 13 4 per cent of the population in Montgomery district and 16 4 per cent in Lyallpur District. The Muslim population in these two districts is 71 and 60 per cent respectively. A great portion of the Muslim population in these two districts also has migrated from the Central Punjab.

A glance at the map of the Punjab and N W F P will clearly show that all the districts excepting Lyallpur and Montgomery which are more centrally situated in the two divisions of Rawalpindi and Multan run along the N W F Province and Baluchistan. In some of these districts people speak language which is almost similar to the language of the adjoining Frontier district

PUNJAB—1921 CENSUS.

(Population in thousands.)

Districts.	Hindus.	Per cent.	Muslims.	Per cent.	Sikhs.	Per cent.	Others (Mostly Christian).	Per cent.	Total.
Rawalpindi Division.	309	8·9	2,973	86·1	153	4·4	26	0·7	3,461
(1) Gujrat . .	63	7·7	710	86·3	49	5·9	2	—	824
(2) Shahpur . .	82	11·4	596	82·8	30	4·2	12	1·6	720
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Biloch Trans-Frontier Tract.	—	—	27	—	—	—	—	—	27
Lahore Division.	1,124	22·4	2,849	57·1	813	16·3	211	4·2	4,997
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(17) Gujranwala .	102	16·4	443	71·0	51	8·2	28	4·4	624
(18) Sheikhupura .	86	16·5	331	63·3	83	15·9	23	4·3	523
Jullundur Division (+ Simla).	1,942	45·9	1,377	32·7	881	20·8	27	0·6	4·227
(19) Kangra and Simla.	755	93·1	45	5·6	3	0·4	8	0·9	8·11
(20) Hoshiarpur .	500	54·0	289	31·2	133	14·3	5	0·5	927
(21) Jullundur .	245	29·8	367	44·6	206	25·0	5	0·6	823
(22) Ludiana . .	136	24·0	193	34·0	236	41·5	3	0·5	568
(23) Ferozepore .	306	27·9	483	44·0	303	27·6	6	0·5	1,098
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(24) Hissar . .	548	67·1	216	26·4	46	5·6	7	0·9	817
(25) Rohtak . .	630	81·6	125	16·2	1	0·1	16	2·1	772
(26) Gurgaon . .	460	67·5	217	31·8	1	0·1	4	0·6	682
(27) Karnal . .	573	69·1	236	28·5	12	1·4	8	1·0	829
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Punjab (Total) .	6,579	31·8	11,444	55·3	2,294	11·1	368	1·8	20,685

APPENDIX XVIA

NOTE ON THE REDISTRIBUTION OF THE PUNJAB

By Raja Narendra Nath

Sir Geoffrey Corbett's scheme of the separation of Ambala Division from the Province as at present constituted, is unacceptable to me for the reason for which the Sikh scheme of partition is unacceptable to the Muslims. The Sikh scheme reduces the Muslim population from 56 per cent at present to 44 per cent in the new Province. Sir Geoffrey's scheme reduces the Hindu population from 29 per cent to 23 per cent.

I have not been able to ascertain the views of the Hindus in various parts of the Punjab. I do not know what the Hindus of the Western Punjab may have to say to their being joined on to N W F P. But if the new Province is formed as proposed by the Sikhs, reservation of seats for the Hindu minority on the basis of population will be absolutely necessary.

I find that Sir Geoffrey Corbett's scheme which appeared to have been received with delight by the Muslims here, is unacceptable to the Muslims of U P. On the whole I think that partition of Punjab will afford no solution of the Communal problem. All partition schemes should in my opinion be shelved.

November 13th, 1931

APPENDIX XVII

A SCHEME OF REDISTRIBUTION OF THE PUNJAB

Memorandum by Sardar Ujjal Singh

According to 1921 census, the Punjab has a total population of 20,685,024. The Muslim and Sikh population in the five divisions into which Punjab is divided for administrative purposes is as follows:—

	Muslim		*Sikh*	
	Population	Per cent	Population	Per cent
Ambala Division	1,006,000	26.3	158,000	4.2
Jullundur Division	1,870,000	32.8	886,000	21.0
Lahore Division .	2,849,000	57.0	813,000	16.2
Multan Division .	3,240,000	76.9	290,000	6.9
Rawalpindi Division .	2,973,000	86.0	183,000	4.9

It is clear from the above table that Rawalpindi and Multan Division are overwhelmingly Muslim divisions. There are two districts, however, in Multan Division namely Lyallpur and Montgomery, which are colony districts. A considerable population of the central Punjab has settled down there. The Sikhs being good colonists have settled in fairly large numbers in those two districts, as they constitute 13.4 per cent of the population in Montgomery district and 16.4 per cent in Lyallpur District. The Muslim population in these two districts is 71 and 60 per cent respectively. A great portion of the Muslim population in these two districts also has migrated from the Central Punjab.

A glance at the map of the Punjab and N W F P will clearly show that all the districts excepting Lyallpur and Montgomery which are more centrally situated in the two divisions of Rawalpindi and Multan, run along the N W F Province and Baluchistan. In some of these districts people speak language which is almost similar to the language of the adjoining Frontier district.

Dera Ghazi Khan district is inhabited by people who have common language, custom and religion with the population in Baluchistan. Campbellpur, Mianwali and Muzafiarghar districts have little if any difference from the people of the adjoining Frontier district of Dera Ismail Khan. Punjab Province as we find it to-day was never one Province consisting of all these districts prior to its annexation by the British. Some of these Western districts were conquered and brought under the then Lahore Government by Maharaja Ranjit Singh.

It is suggested therefore that the two Western divisions of Rawalpindi and Multan, minus the Lyallpur and Montgomery districts, be detached from the Punjab and amalgamated with N.W.F.P.

Such a redistribution of the Punjab will serve a double purpose. It will in the first instance give the Sikhs such a proportion of population as will provide for them a protection without claiming any weightage or reservation. The population of the Province after excluding these two Western divisions will be more evenly distributed among the three communities. The Mussalmans will be 43·3 per cent.. Hindus 42·3 per cent., and Sikh 14·4 per cent. In such proportions parties on other than communal lines will find ample scope for development. The Sikhs in that case will claim no weightage nor any reservation of seats, and at the same time will not grudge any weightage to be given to Muslim minorities in other Provinces. Of course an equivalent weightage will be allowed to the Hindu and Sikh minorities in the N.W.F.P. and Sind, if separated.

It will be seen that in such a redistribution the Sikhs will not be gainers so far as the amount of their representation goes. The Muslims will still be the strongest individual group. But Sikhs do not want any gain o domination. What they want is that their representation should be suc as to enable them to make an effective appeal to the other community if an one of these groups tries to tyrannise over them.

The second advantage of this redistribution would be that N.W.F.P. the addition of ten districts with a population of 6 millions, will become fairly large province, fully entitled to the status of a Governor's Provin The total population of this enlarged Frontier Province will be over 8 millio with Muslims forming 87 per cent. of the population. It will be able to its burden of expenditure which provincial self-Government will necessi and which the existing N.W.F.P. cannot possibly meet. If, however, amalgamation with N.W.F.P. be not acceptable, these Western districts form a separate Province.

All sections of the Sikh community are unanimously of the opinion they will in no case agree to the domination of a single community Punjab, if it is not reconstituted on the above lines. Their populati risen from 11 to 13 per cent., which corresponds approximately to the population in U.P. Whereas the Muslims of U.P. are enjoying over 31 p representation, the Sikhs have had to put up with an 18 per cent. rep tion on the Punjab Council The Sikhs have been rightly claiming 30 representation. Their claim has been strengthened by the rise population. The Mussalmans should not in justice deny to the Sikhs rights which they are enjoying in their minority Provinces and are strengthen further in India as a whole by other proposals.

The Sikhs have suggested an alternative and give the choice to t brethren. Either weightage to an extent of 30 per cent. with community in majority or the redistribution of the Punjab.

If neither of the two solutions is acceptable the Sikhs will any constitutional advance in the Punjab. Let the rest of Indi and let the Punjab be administered by the Central Government. considered opinion of the entire Sikh community whether Moderates or Loyalists.

These sentiments were expressed to Mahatma Gandhi in De conveyed to the Viceroy in the address presented to His Exce Sikhs in July last.

1921 CENSUS FIGURES

	Total Population
Multan Division	4 218 360
Rawalpindi	3 460 710
Multan Division minus Lyallpur and Montgomery	2 525 111
979 463 + 713 786 = 1 693 249	
	5 985 821

PUNJAB WHEN RECONSTITUTED

	Total Population	*Muslims*	*Sikhs*	*Hindus and Others*
Ambala Division	3 826 615	1 006 1 9	156 208	—
Jullundur Division	4 191 808	1 369 648	8 9 653	—
Lahore Division	4 997 441	2 948 800	818 310	—
Lyallpur District	979 463	594 917	160 821	—
Montgomery District	713 786	518 055	95 520	—
	14 699 203	6 332 579	2 107 512	—
		43 3%	14 4%	42 3%

N W F PROVINCE ENLARGED

	Total *Population*	*Muslims*	*Sikhs*	*Hindus and Others*
Existing N W F P	2 471 527	2 250 789	47 935	173 803
		Total	221 138	9%
Rawalpindi Division	3 460 710	2 973 371	152 9 6	334 383
Multan Division minus Lyallpur and Montgomery Districts	2 525 111	2 188 371	33 6 [illegible]	3 3 101
Total	8 457 [illegible]49	7 362 131	234 570	860 667
		Total	1 095 217	13%

October 8th 1931

community was concerned it would need neither, but that a common Hindu-Muslim agreement would emerge in which the real minorities would find a place. The circumstances under which this agreement has been drawn up will undoubtedly be interpreted as an attempt to impose on the Hindus a regime to which their consent has not been obtained. In such coercion I trust that the community which I represent will have no share.

In conclusion, I may add that on lines such as are proposed in this Memorandum I see little chance of an agreed solution, but what is even more important, I am unconvinced that on this system of legislative representation which might have had a place as long as the executive was irresponsible can be built a government which feels itself responsible to all. The views expressed in this letter are shared by a substantial number of Indian Christians in India.

November 14th, 1931.

APPENDIX XIX.

APPENDIX IV.

NOTE ON APPENDIX IV.

By Maulvi Muhammad Shafi Daoodi.

In this note I only deal with the following passage appearing in the "Memorandum on the Sikhs and the new constitution for India," circulated to the Conference by Sardars Ujjal Singh and Sampuran Singh on th 12th November. The Sardars say:—

"In view of the claim of the President of the last All-India Musli Conference, we believe that to write the garrison Province of India in the constitution as an unalterably Muslim Province would be to ma the dismemberment of India inevitable. That claim, it will be rem bered, was that there should be a 'consolidated North-West St within or without the British Empire,' consisting of the Pun North-West Frontier Province, Baluchistan and Sind."

The President of the last All-India Muslim League (*not All-India M Conference as incorrectly stated above*) was Dr. Sir Muhammad Iqba wrote as follows in the "Times" of 12th October, 1931, with reference words as cited in the above quotation:—

"May I tell . . . . that in this passage I do not put f a 'demand' for a Muslim State outside the British Empire, but guess at the possible outcome in the dim future of the might now shaping the destiny of the Indian subcontinent. No Indian with any pretence to sanity contemplates a Muslim State or States in North-West India *outside* the British Commonw Nations as a plan of practical politics.

"Although I would oppose the creation of another cockpi munal strife in the Central Punjab, as suggested by some e I am all for a redistribution of India into Provinces wit majorities of one community or another on lines advocated b Nehru and the Simon Reports. Indeed, my suggestion Muslim Provinces merely carries forward this idea."

Dr. Iqbal concludes his letter with a pithy statement of position and says—

"A series of contented and well-organised Muslim Pro North-West Frontier of India would be the bulwark of In British Empire against the hungry generations of the lands."

As regards the rest of the claims advanced by the Sarda occasion to say something later.

...mber 14th, 1931.

APPENDIX XX

MEMORANDUM ON APPENDIX III

By Raja Narendra Nath

The pact between certain minorities from which the Hindu minorities of the Punjab and Bengal have been excluded and which was placed before the *Minorities Committee on the 13th November was received by me late* on the previous night I had no time to consider it before I went to the Minorities Committee

In connection with it, and as a criticism of the proposals made therein I send this note which I hope will receive careful consideration and will be placed side by side with the so-called compromise

I invite attention to Appendix 'A attached to the pact of which it forms an essential part Hindus are presumed to be a majority community in the Federal Legislature, and in six out of nine Provincial Legislatures but the presumption does not stand when it is sought to separate the Depressed Classes *from the Hindus The figures in the Appendix will show that the* Hindus are reduced to a minority in almost all Legislatures whilst not only the weightage of Muslims is maintained but they are given absolute majority in the Punjab and Bengal

The problem of the Depressed Classes is not rightly understood by British politicians Even out of those who have been to India few have had opportunities of thoroughly examining the question In the first place conditions in Northern India are quite different from those in Madras and parts of Bombay In Northern India itself conditions vary in different Provinces *There are, however, certain general principles applicable to all* The twofold division of the Hindu population into depressed classes and caste Hindus, is not correct The so-called "Depressed Classes are themselves divided into castes Each is as strictly endogamous as the higher caste of Hindus There is a very large section amongst them which is regarded as untouchable by all If caste Hindus cannot represent the Depressed Classes owing to their being untouchable how can a member of the Depressed Classes, belonging to a certain caste and regarding oth[illegible] untouchable, [illegible] tation will b[illegible] separate electorates [illegible] followed so fr[illegible]

Untouchability is due to educati[illegible] the nature of the occupations wh[illegible] them who take to the liberal profe[illegible] posts, cease to be regarded as untc[illegible] belonging to the Depressed Classes v[illegible] rose to the position of judges of the [illegible] with the most orthodox Brahmin Judges All Depressed Classes [illegible] course of time, and by utilising opportunities for education, cease to be regarded as depressed or backward Their separation or isolation from the Hindus is not a course which ought to be followed, in their own interest All that is needed is that the future constitution should provide that on account of caste and creed none should be prejudiced in the acquisition and enjoyment of civic rights and the right to public employment

The difficulty of giving a definition of the Depressed Classes which shall apply to all Provinces has been adverted to in paragraph 58 of Volume I of the Report [illegible] In the Punjab, as pointed out in th[illegible] reclamation is going on very [illegible] proselytising religions The [illegible] nto that category This reformed religious society conducts several educational institutions for the education of the Depressed Classes who are brought up in the tenets of the Arya Samaj According to this advanced body of religious reform, all who

important that the adjustment of provincial boundaries and the creation of proper provincial areas should take place before the new process has gone too far. Once the mould has set, any mal-administration will be still more difficult to correct." They therefore recommended the constitution of a Boundaries Commission and regard the appointment of such a Commission as a matter of urgent importance (page 26, Vol. II, of the Report of the Indian Statutory Commission).

3. Some proposals for redistribution of provincial areas were brough forward at the First Session of the Conference. The Rajah of Parlakime advocated the constitution of an Oriya Province. The separation of Si was agreed to in principle, and the constitution of the Orissa and contigu Oriya speaking tracts into a separate Province is now under examination. During the present Session memoranda urging the formation of an Andhra Province have been circulated by the Rajah of Bobbili and Mr. V. V. Giri. Mr. B. Shiva Rao has urged in another memorandum the formation of a Karnataka Province. Khan Bahadur Hafiz Hidayat Husain has urged the separation of Agra from Oudh. Sir Geoffrey Corbett has put forward a proposal for the separation of the Ambala Division from the Punjab and Sardar Ujjal Singh has put forward another scheme for the purpose of separating another area from the Province.

4. In these circumstances there can be no doubt whatever that the question of redistribution of provincial areas will become a matter of great importance with which the Federal Government and the Federal Legislature under the new constitution will have to deal. I think, therefore, the legal and constitutional position in regard to this matter will have to be examined carefully, and the necessary provisions have to be enacted. The existing British Provinces will, on the establishment of the new constitution, become Units i an all-India Federation, and the question as to the method and manner i which any of the federating Units of British India should be redistribute and as to how new Provinces should be created and admitted into t Federation, requires very careful consideration. A redistribution must nec sarily affect the legislative and executive organs of government of all provincial areas involved in the redistribution, and many questions are lik to arise in which the Central Government may have to be the final decid authority in the matter. My point is that while the redistribution will be based on the largest measure of general agreement on the changes prop both on the side of the area that is gaining and on the side of the area is losing territory, the Constitutional Authority for giving legal sancti such redistribution, and the conditions under which such a redistributio be accomplished, have to be clearly laid down.

5. The subject of the redistribution of Provinces in British Indi matter in which British India alone is interested, and the Indian coming into the Federation will have nothing to do with it. If any of territorial redistribution has to be dealt with by the Federal Legi the representatives of the Indian States will have no voice in the di of the subject. In the list of Central Subjects appended to the Secon of the Federal Structure sub-Committee, it is stated that "T changes—other than interprovincial and declaration of laws in c therewith," should be classified as a Central Subject, (*vide* page 216 of the Proceedings of the Round Table Conference). Attention is. invited to the remark opposite this item, that "it (territorial ch already been decided to be a matter to be dealt with under amen the constitution." If territorial changes involving the redistr British Indian Provinces can only be effected by a process of am constitution, this method is likely to cause inordinate delays and it too difficult to have essential territorial changes in the b Provinces which have been urged for many years. I feel, theref that a more flexible method should be devised. Perhaps the providing for it would be by discussion of the subject in the I the Provinces affected by the territorial redistribution and Federal Legislature, and after such discussion the Governor- advice of his Ministers should be empowered to take

red tr but on The necessary prov ons w l lave to be ncorporated n the B ll Any red str but on of territory and the creat on of new Pro nces v l neces ar l nvol e tl e rev s on of tl e strengtl of the Le latu es concerned and the e ta l shn e t of new Pro nc al Leg latures and w de powers to effect ally carry out scl emes of red tr b t on w ll ha e to be conferred on the co-ord n t ng author ty namel tl e Go ern nent of Ind

No ember 23rd 1931

ANNEXURE 2

MEMORAND M REGARDING THE FORMAT ON OF A SEPAR TE ANDHRA PRO I CE IN SOUTHERN I DI

By tl e Ra a of Bobb l

In re ent years tl ere l as been a pers ent de n nd n I d a for l e creat on of new Pro n es for the purpo e of gua an ee ng reall cohe re and intell gent un ts of adm nistrat on Thus the people of S ndh have been

dency of Bo bay and the creat on of a e formed nto a new S ndh Pro n e n t e southern d str cts of tl e Bombay Mad as Pres den y and on the borders emand ng the r r ghts to be grouped together into a separate Karnat c Pro nce and the Or yas l v ng n the three d stant Pres dences of B har and Or sa Bengal Madras and the Central Pro nces have also been demand n the c eat on of a new O ya Prov n e for the sel es a d tl s demand as on eded at tl e first Rou d Table Conference and tl e Government of Ind a ha e already taken step by appo nt ng an Or s a Comm ttee last nontl But perhaps more n ent than the demands of any of these groups has been that of the Telu u-speak ng people now l v ng n tl e t el e d str t of tl e Mad as Pre den y for the creat on of a separate Andhra Prov nce

(Andhra s an alternat e name for Telugu And t may be of nterest to remember that the p esent Andl ra d str cts in the Madras Pre den y bear out a very intere t ng l stor cal story Thus the four Andhra coa t d t ts common y kno vn as the Northern C r ars were acqu red by grant from the Empe or of Delh in 1 65 th n in 1 92 after tl e Mysore wars and n 1 99 after the abd cat on of the Raja of Tanjore new terr tory was a qu ed and this forms the southern apex of the present Andhra area and n 1803 t e N zam of Hyderabad ceded a good b t of terr tory wh ch no v forms the ced d distr cts in the Madras Pres den y)

Th s cla m l as been based on the ex stence of the e twelve cont guous d str ts where the same language is spoken the same culture predom nates and wl ere common h stor cal trad t ons b nd the people together

Moreover the area where the Andl ras are spread over s ea ly 80 481 square m les an 17 2 3 361 The even from the s a new Prov nce land revenue d revenues of the separate Prov n

But the content on on behalf of the format on of a new Andhra fir t pla e ent al to remem bulk of tl e populat on up of rou hly l alf Tam nost marked d ffe en es all along felt tl at they of the r cu t e exce t t Su h devel pment of ducat on be ng imparted

same subject but had to withdraw the same as it was considered undesirable to bring it forward in view of the controversy about the formation of separate Province for Sind regarding which there were given conflicting notices of Amendments. In February, 1927, the Legislative Assembly approved of the principle in connection with a resolution moved by Pandit Nilakantadoss for the formation of a separate Province for the Oriyas. Again, in the same month of the same year Honourable (now Mr.) V. Ramadoss Puntulu moved a resolution in the Council of State on this subject and another member of the Council of State, Mr. G. Narayenaswami Chetty, gave notice of a similar resolution this year.

4. In reply to this claim made by the representatives of the people from time to time, the Government of India, while accepting the underlying principle for the re-distribution of Provinces on linguistic basis, stated as follows in para. 8, pages 513 and 514, Vol. IV of the memoranda submitted to the Indian Statutory Commission by the Government of India:—

“ . . . the Government of India were in no sense hostile to the underlying principle of the establishment of Provinces on a linguistic basis, but their view was that any proposal of that kind required very careful examination; in fact, their attitude was one of neutrality. While the principle itself was attractive, there were certain obvious limitations on its practical application, and the first condition in dealing with proposals of this kind was that the Government should not act in advance of or in opposition to public opinion. For that reason the Government of India had laid down very clearly that before they can consider any such proposal, they must be satisfied that there is a real popular demand and that if that popular demand exists they may expect to find it voiced in the local Legislative Council. This condition has not been fulfilled in the case of the resolution before the House . . . The Home Secretary suggested to the mover that if he wished his proposal to be considered his best course was first to obtain what h had not yet established, that is to say, unequivocal local support When that has been done, he would be in a position to approach th body which alone could give a decision in the matter, and that was th Statutory Commission.”

Since this expression of opinion on behalf of the Government of India resolution was moved on the 14th March, 1927, in the Madras Legislat Council by Mr. Anjaneyulu and was carried; and subsequently again on 19th March, 1928, the question was raised by means of a token cut in discussion on the Budget Estimates for 1928-29 and the formation of a s rate Andhra Province was accepted by the Council.

Thus, the limitation on the practical application of the principle shadowed by the Government of India has since been satisfied.

5. Further, the formation of a separate Province is in consonance wi ideal of Provincial autonomy, as set forth in the Despatch of the Gover and generally approved of by the Administrations in India and Great B and of the proposed constitution for a Federal Government for Indi first Round Table Conference has given effect to the principle by ap of the formation of separate Provinces for Oriyas and Sindhis. The of the Simon Commission under the head “ Need for Provincial bution ” in para. 38, pages 24 and 25 of Vol. II, of its Report l certain tests for claiming readjustment of boundaries and redistri areas. It may be stated, in this connection, that there is no area which satisfies these tests better than Andhra. It may be asserte fear of contradiction, that viewed from any standpoint, the cla Andhras for a separate Province are unquestionable. If an Andh be formed, it will have 11 contiguous districts inhabited by peop the same language forming a compact and self-contained area of square miles with a population of over 17 millions and paying a l of thirty and half millions or 3½ crores of rupees. The income vince is as shown in the debate on the subject of the formation in the Legislative Council, Madras above said will b

tl e er te e of a se r te Pro n e Th

REVENUE

Provinces	*Income*
(a) B har and Orissa	One crore and 65 lakhs of rupees
(b) Central Provinces and Berar	Two crores and 4 lakhs of rupees
(c) A am	One crore a d 13 lakhs of rupees
(d) Sind proposed to be newly formed into a Province	4 lakhs of rupee
(e) Orissa proposed to be newly formed into a Provin e	Under 80 lakh of rupees
(f) Andhra Province if formed	About 3 crores and 50 lakhs rupees or 3½ millions of rupees

POPULATION

Propo ed Sind Province	Ab it 40 lakh
Propose l Oris a Provi ce	Ab it 1 crore
Andhra Province if formed	1 crore and 0 lakhs

In the matter of area also Andhra Province if formed will be far larger in extent than the proposed Province of Sind and Or s a and a few other Provinces in India

It may therefore be submitted that Andhra cl im for a separate Province to say the least, is most reasonable and practicable from every point of view

6 There are various other considerations of an equally important character wh ch justify their claim for a separate Prov nce Andhras belong to a very an ent race and have as brilliant a past as any other nation in the world They distingu shed themselves both in war and peace There were ... The Kings ruled over ... Arabian Sea to ... They produced ...

language customs habits tradit on and sentiments differ a good dea ... is injurious to the free and unhampered growth of the race The Andhras at present are scattered in different places in different groups and under ... There s in fact no apparent ident ty of ... ll the Andhras are ... orince There is no ... a powerful impetus ... deve pment of the

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u a Governor in Council and a Board of Revenue with a capital in some portant centre As shown by the mover of the resolution in the Madras gislative Council in his speech the income of the Province will be sufficient meet this expenditure and the creation of a Province will create facilities r increased revenue A statement of the land revenue and population of a w Provinces already formed and those in contemplation are given hereunder mparing the same with those of the Andhra Province if formed

REVENUE

Provinces	Income
(a) Bihar and Orissa	One crore and 55 lakhs of rupees
(b) Central Provinces and Berar	Two crores and 45 lakhs of rupees
(c) Assam	One crore and 13 lakhs of rupees
(d) Sind proposed to be newly formed into a Province	74 lakhs of rupees
(e) Orissa proposed to be newly formed into a Province	Under 80 lakhs of rupees
(f) Andhra Province if formed	About 3 crores and 50 lakhs rupees or 3½ millions of rupees

POPULATION

Proposed Sind Province	About 40 lakhs
Proposed Orissa Province	About 1 crore
Andhra Province if formed	1 crore and 70 lakhs

In the matter of area also, Andhra Province if formed will be far larger in extent than the proposed Provinces of Sind and Orissa and a few other Provinces in India

It may therefore be submitted that Andhra's claim for a separate Province to say the least, is most reasonable and practicable from every point of view

6 There are various other considerations of an equally important character which justify their claim for a separate Province Andhras belong to a very ancient race and have as brilliant a past as any other nation in the world They distinguished themselves both in war and peace There were among them a

extensive
the Bay
great m
of much
fine arts
political
their his
and with

... are almost a number of other races in the Madras Presidency This union of heterogeneous races whose language, customs, habits, tradition and sentiments differ a good deal from theirs is injurious to the free and unhampered growth of the race The Andhras at present, are scattered in different places, in different groups and under different Governments There is in fact no apparent identity of interest in them The feeling that the interests of all the Andhras are identical can be felt only by the existence of a common Province There is no doubt that the creation of an Andhra Province would give a powerful impetus to the growing public spirit of the Andhras and the rapid development of the Andhra country in all directions

the Provinces in which they are at present included and formed into a single separate Province."

It should also be added that at the All-Parties Conference at Lucknow, recommended in 1929 in adopting the Nehru Report that—"A Committee may be appointed to take all necessary steps to constitute Karnataka, and into separate Provinces."

The six All-Karnataka Political Conferences held since 1920, and the three Karnataka Unification Conferences since 1924 have passed unification resolutions unanimously. Besides these, the Veershaiva Mahasabha held in Bangalore in December, 1927, the Merchants' Conference, held in August last in Bagalkot, have demanded unification. The Local Boards of all the Bombay Karnataka Districts, and of Mangalore, many Taluka Local Boards as well as a number of municipalities, have passed such resolutions and sent them to the Government. A general manifesto signed by 34 leaders of Karnataka, representing all districts, all castes, creeds, interests, and all political opinions, was issued in 1927 to the public, asking them to sign a declaration to the effect that they desired unification.

A questionnaire issued to about 200 gentlemen in Karnataka brought 125 replies, only one being against unification.

The following bodies have adopted resolutions within the last few months urging the creation of a separate Province for the Karnataka:—

(1) The Karnataka Chamber of Commerce.
(2) The Veershaiva Tarauna Sangha, Bagalkot.
(3) The Cotton Market Association, Bagalkot.
(4) The Cloth Merchants' Association, Bagalkot.
(5) The Hubli Municipal Borough.
(6) The Karnataka Unification Association, Sholapur City.
(7) Sirsi Municipality (North Kanara District, Bombay Pres.).
(8) The Basaweshwar Vidya-Vardhaka Sangha, Bagalkot.
(9) Ilkal Municipality.
(10) Dharwar District Local Board.

There can thus be no question either as to the necessity for undert the reconstitution of the existing Provinces into smaller and homoge units, or, in particular, as to the trend of opinion in the different pa the Karnataka on the subject of their unification. If the principle determination were to be applied, an overwhelming majority of the of Karnataka would be found to be whole-heartedly in favour of such

The only other consideration that may possibly be urged by critic scheme is whether the people of the Karnataka would be in a to bear the financial burden of a separate administration. But can be autonomous Province with a revenue of Rs. 260 lakhs, th reason why Karnataka, which, under the existing division of re between the Central and Provincial Governments, would have a of Rs. 233 lakhs from the provincial sources alone, cannot face responsibility. Moreover, it may safely be said that, with adequ tunities for development, Karnataka, with its long coast line natural resources, would rapidly increase its prosperity, and bec of the comparatively heavier burdens that would be involved in administration.

The complaint of the people is that the present division o leaves them in a position of helpless minorities, both in the Madras Presidencies, where they form 19 and 6 per cent. respec total population.

A further handicap is furnished by the fact that wher speaking other languages, such as Gujerati and Mahrathi, i Tamil and Taluga, in Madras, live in contiguous areas, ... are scattered over a wide area with Mysore State

Communications are not easy in many parts of the area on account of hills and forests and rivers. The consequence has been a neglect by the two Provincial Governments of such essential needs of the p[illegible] [illegible] health, forests, roads, irrigation and harbour development.

It is estimated that the people of Karnataka contribute to the Governments (both Central and Provincial) Rs. 48 lakh more than is spent on them. For a High Court and a University the people have to go as far as Bombay and Madras in their respective Presidencies. There cannot be the least doubt that the present anomalous division constitutes a serious grievance and stands in the way of the cultural and economic development of the people.

APPENDIX A

AREA AND POPULATION OF THE PROPOSED KARNATAKA PROVINCE

(As per Census Reports of 19[illegible]1)

8 Districts

Name of District	Area in square miles	No. of		Total population
		Towns	Villages	
1 Belgaum	4 611	[illegible]	1 [illegible]	[illegible] 2 [illegible]
2 Bijapur	[illegible]	[illegible]	1 1 [illegible]0	[illegible] [illegible]77
3 Dharwar	4 6[illegible]6	17	1 [illegible]	1[illegible] [illegible]
4 North Kanara	3 9[illegible]	7	1 2 7	401 7[illegible]7
5 South Kanara	4 [illegible]1		7[illegible]	1 [illegible]
6 Bellary	5 [illegible]13	10	911	[illegible]2 3
7 Coorg (Kodagu)	1 5[illegible]	2	[illegible]	[illegible]3 [illegible]
8 Nilgiris	[illegible]	3	54	126 [illegible]
8 Districts	31 163	61	[illegible]	[illegible]

5 Outlying Districts

Name of District	Area in square miles	Towns	Villages	Total population
1 Madagasira (District Anantpur)	443	1	[illegible]7	[illegible]
2 Hosur (District Salem)	1 [illegible]	1	43	[illegible] [illegible]
3 Krishnagiri (District Salem)	[illegible] 6	2	[illegible] 3	[illegible]
4 Kollegal (District Coimbatore)	1[illegible]	1	4	[illegible]
5 [illegible]apur (District [illegible])	[illegible]13	1	1 [illegible]9	[illegible]
5 Talukas	4 [illegible]	6	[illegible] 1	[illegible] 144
Grand Total	35 [illegible]	[illegible]	[illegible]	[illegible]2

challenged at the outset, might have far-reaching effects on our future interests and status. Our hope, however, lay in the fact that this view contradicted the findings not only of the Indian Central Committee but also of every Provincial Government except the Government of Assam where there is no special representation of Landholders' interests. It is not for us to reiterate that Mr. Montagu and Lord Chelmsford had in their Joint Report on Indian Constitutional Reforms observed that the landed aristocracy of India are recognised as her "natural and acknowledged leaders." In the United Provinces and the Punjab, the great Landholders occupy a unique position in society. In Bengal, too, round the Zemindars at the centre has grown up an intricate system of rights and duties which it woul
not be possible to ignore. The Statutory Commission took some pai
in drawing up a table supporting their contention that the landholdi
interests have been sufficiently represented on the various Provincial Councils even without the special representation accorded to them. This shows incidentally, the important part the Landholders still play in the public life of the country and the trust and respect which they command. But the Statutory Commission used the figures to prove that the claim of the Zemindars for special seats was superfluous. It is strange that it did not occur to them that the Landholders had their own special interests to represent and protect, and a Landholder who was sent up by a general constituency might often, quite conceivably, find himself in the most unhappy position of either having to sacrifice the interests of his own class or those of a constituency which he represents in a case of conflict of interests. Such conflicts are by no means likely to be rare, nor are they unforeseen. Thus, for instance, on all matters of tenancy legislation, taxation of incomes, payment of land revenues and the like, the interests of the Landowners require to be specially represented. It is very difficult to postulate identity of interest among the different classes in such cases. We are fortified in our contention by the findings of the Government of India in thei
Despatch on Proposals for Constitutional Reform. I take the liberty o
quoting the relevant extract from their Report:—

"We have ourselves no hesitation in holding that this form
special representation should continue. Both the arguments and t
statistics used by the Commission might, to our mind, have been u
with special effect to destroy the special representation either
Commerce, or of the Universities both of which the Commis
retain........ Such questions as tenancy and land revenue meas
may be expected to occupy more prominently the attention of
Provincial Legislatures in the near future, and in the controve
likely to ensue, the landlords can reasonably claim that they s
not be deprived of their special representation at a time whe
extension of the franchise may well increase the difficulty of
securing representation on a general register." (Para. 39.)

With regard to the last point, it may be observed that we claim
representation not because of the possibility of our failure to be r
on a general register. Even if we are returned from a general const
we claim it, for reasons given above, all the same. It is not a
reading of the situation to suggest that with political progr
Landholders will necessarily have a diminishing influence
public life of the country. The distinguished roll of public
drawn from the landholding classes in our country is by n
negligible and in spite of cases of atrophy here and there, th
conclusion is by no means inevitable that the landowning inte
country will be a back number in the Free State of India. O
and connections, ties and affinities, are too vast to permit us
position of second-rate importance in the India of the futu
mention, as an illustration of this point, that the total reve
the Landholders in India exceeds even the yield of the incom
establishes our supreme interest in the constituti

I may reiterate, however what one of my distinguished colleagues said in the Provincial Constitution sub Committee that in pleading for special representation for ourselves, we do not intend to encroach upon the rights of other communities for representation On the other hand I stand for the representation and protection of every special interest in the State but its importance must be considerable and there is no denying as to the weight of the Landholder s claim for special representation If I may be allowed to digress here for a moment I will take the liberty of mentioning that a tendency of modern political thought is the increasing recognition of the importance of special social and economic interests and groups, and that much of the economic political and social unrest of to-day is due to the failure of the mechanism of the modern State to adjust itself to the diversification and specialisation of these group interests It is felt that the safety of democracy lies in the perfection of group life and its representation in responsible Legislatures I make bold with your permission to refer to this new orientation of political thought and practice in order to remove the misconception that to ask for special representation is necessarily against national interest

As to the number of seats to be allotted to us, in view of the importance of our interests and stake in the country and of the comparative smallness of our number, we are entitled to claim an adequate basis of representation other than population The need for it is all the more clear since it is obvious that in future the Legislatures are going to be largely increased in size The claim of the landholding interests in Assam for representation should be recognised As an illustration and nothing more than an illustration I may be permitted here to refer to the insistent representations of the landholders of Goalpara as to the hardships they have been labouring under on account of the absence of their representation in the Legislature It is needless to add that we claim proper and adequate representation for reasons which I have already discussed in both the Chamber of the Federal Legislature and the Provincial Legislatures

As regards the *method* of representation whether it should be direct or indirect the procedure will be determined by the manner in which the two Houses of the Federal Legislature and the Provincial Legislatur will be constituted Th as " almo t unanimously " agreed th Legislature should be elected by the transferable vote Whether this view r not there is no doubt that the Landholders are eminently suited for membership of the Upper House of the Legislature But this should be in addition to their representation in the Lower House which in any case must be direct If a Second Chamber is agreed for the Provincial Legislatures also, we have no doubt that the Landholders will be specially represented there I have not intentionally raised the question of the number of seats that we want in each case for the reason that this may be left to future discussion and negotiation

It is needless for me to emphasise in conclusion that the contentment of the Zemindars is a national asset of no mean value On return from England after the adjournment of the last Session of the Conference, I have been struck by the anxiety with which my fellow Zemindars have been following the deliberations of the Conference I have had the opportunity and honour of consulting their opinion and I have tried to place their views as I read them in this Memorandum with as much moderation as possible I take the liberty of appealing to my fellow delegates to realise the importance and justice of our claim and recognise definitely the need of adequate and proper representation of our interests in the Legislatures of our country

22nd September, 1931

ANNEXURE 7.

MEMORANDUM ON THE POSITION OF LANDHOLDERS (*i.e.*, ZAMINDARS AND PROPRIETORS OF PERMANENTLY SETTLED ESTATES) IN THE NEW CONSTITUTION.

By the Maharaja of Darbhanga and the Raja of Bobbili.

The position of the big Landholders of India in any new constitution requires to be carefully considered by the Delegates, British and Indian, of the Round Table Conference. In the claims that large communities are putting forward for safeguards, the case of a section, which is small in numbers, is apt to be overlooked But if the importance of this small section is realised, if the stake of the Landholders in the country is adequately appreciated and if the part they have so far played in steadying and sobering public opinion is understood, there will be no hesitation in conceding to them their rightful position in the new order.

It has to be regretfully stated that at the first Session of the Conference, the case of the Landholders has not received that attention which it deserved. Sub-Committee No. III (Minorities) of the Conference which was expected to consider the question, devoted itself almost entirely to the claims of minority communities. It did not deal, with the single exception of the British commercial interests, with any of the *interests* which are in a minority as distinguished from communities. This result was perhaps inevitable as the big landholders, the representatives of the class on the Conference, the Maharajadiraja of Darbhanga, the Raja of Parlakimedi, were not members of the Committee. It is our earnest hope that this grave defect will be rectified before the Minorities Committee meets again.

Nor did sub-Committee No. VI (Franchise) deal with the question. That sub-Committee quite naturally felt that the nature and number of special constituencies should be first settled before it can deal with the nature o the franchise for such constituencies. That the problem was present in th minds of the members of the sub-Committee is obvious from the Report. Th Franchise sub-Committee states: "we are of opinion that the franchise qua fications for special constituencies depend essentially on the nature of th constituencies. We are not empowered to consider the latter point nor are in possession of information as to what special constituencies are co plated. The question requires examination by a competent body."

The only Committee that, in spite of lack of representation body, considered the position of Landholders, is sub-Commit (Federal Structure). In the course of the Report, it says: " unanimous in the sub-Committee that, subject to any repo Minorities sub-Committee, provision should be made for the re possibly in both Chambers, and certainly in the Lower Cham special interests, namely, the Depressed Classes, Indian Christia Anglo-Indians, *Landlords*, Commerce and Labour." It is there was unanimity of opinion as regards the need for s tion of Landlords in the Federal Parliament. How mu it is to secure their representation by special constitue Legislatures, will be obvious to anyone who has appr of the Provincial sub-Committee. It has also to be noti Structure Committee expected the Minorities Committ report on the claims of the Landlords for special repre

It is under these circumstances that it has become i to present the case of the Landlords to the members

Status of Landlords.

The term Landlords, as used in connection with representation in any constitution, is not clearly to be confused with the owners of large areas of is termed ryotwari tenure. The term has

Ind an pol t cs It has been understood to apply to tl e cla s of o vners who are termed Zam ndars and wl o are propr etors of land and not mere les ees from Government of lan l It s al o somet mes tho ght tl at Zam ndars were mere farmers of re enue under old as gnments of Mo u Emperors Some were of that character but most of the Zam ndars and in part cular almost all tl e Zam ndars of Southern Ind a and the Taluq lars of Oudh do not b long to th s clas Tl e r fam ly h story dates back to several centur es Tl e r ance tors vere ch efta ns and rulers of va t areas The houses of Darbhanga Balramp r Mursh dabad Burdwa Venkatag r Bobb l Jeypore P thapuram to ment on onl a few ha e h stor c trad t ons not second to some of the mportant In l an State Over a ce tury ba k they entered into arrangements w th tl e Br t h power whereby in l eu of protect on aga n t nva on tl e undertook to pa a certa n sub dy These sanads or treat es are tl e e and mu t be regarded by tl e Paramount Power as sacrosan t a sa re l as the treat es w th present day Rul ng Pr nces In e ence tl ere hardly any d fference bet een tl e sanads granted to tl ese a c ent Zam dars and tl e Treat es entered nto w th R l ng Ch efs Tl s h stor al pers t e s n e ary to apprec ate and understand tl e pos t on of the Landlord and the cla m tl ey no v p t forw rd

The Zam ndars l old g a large take tl e count y a d t a c rta n extent conservat e by tr d t on an l nt t la e o d s re to rest progress or to thwart tl e leg t mate amb t o s f tl co n r me They a e a part of tl e nat on an l are bound to take note of tl e surg ng t de of nat onal sm and the nan n ous de re t r Do n on St tus for Ind a But they w ll be false to the r pr nc ple and ntr e to the r Order f tl ey do not de re to preserve the her ted r gl ts of the r l n s and secure l g t n ate guarantees in the new order of tl ng

Lan lho l a ns

They cla n that the Zam n lars ho l l h ve e l rep e e tat on n tl e Leg latures Prov nc al and Central as l tl ert and u ge r spectf lly that th representat on s more ne essary now t an l th rto

2) Real s ng that no re nable amo nt of pe al repre entat on c n by itself be an adequate safeg ar l tl e rge tl at all l ro n s tl ere should be establ he l b cameral Leg sl t re the U per Ho e be g a steady ng nfluen e on tl e o as onal n et s t of tl e pop l r Cl amber

3) Lastly n v ew of the a t ty l l tl e attacl to tl e agreem nts entered nto w tl them and tl e sanal g a t l to tl em by tl e paramo t power they urge for the ncl s on n th f ndament l r gl t of a cl se ur ng the inv olab l ty of tl e tern of u l n an l san l Tl e la ses v ll be elaborated n tl s an l e l er tl e pr s nt me randum w ll deal w th the quest on of pe l rep tat on

Sp c al R presentat n f l d l

Ever s nce the ina gurat on of repr ntat e Leg lat res in Ind a th s lass of Landholders l as had a r gl t b s l r pre ntat on of m em be sh p of the e bod es

In the M nto-Morley reforms th was con e led a l tl forme l a fo rth of the strengtl of tl e elected members In a l l t on a co l ralle r b r of Landlords were nom nated Tl s r glt as recogn se l a d confr ed by the Montagu Chelmsford scl eme of ref rm Att nt on s n te l to tl e very cogent rea ons g ve n the Report on const t t o al reforms of Mr Montagu and Lord Cl elmsf rd for tl spec al re re entat on of tl s cl s It has to be remembere l tl at the ter t e l rl aff t ng tl s l s are st ll under the ontrol f Exe t e Co nc lors and not pop larly ele ted M n sters and that tl ey form a re erve l s bject If it s further remembered that there s a cons l rab e off al bloc n tl e co nc ls wl ch is expe ted to hol l the balance e en between onfl ct g nt rests— t w ll

be clear how much more necessary it is, under the proposed scheme of provincial autonomy, to give adequate representation to Landlords.

The Simon Report.

An unfortunate recommendation of the Simon Commission that this representation may be abolished has led to the question being re-opened and has created the most widespread and genuine alarm among the Landlords. It can with perfect accuracy be stated that no recommendation of the Commission has been more severely and unanimously criticised than the one advocating the abolition of special representation to Landlords. The basis of the Report and its reasoning are alike incorrect and fallacious. The Commission was incorrect in its estimate of the number of Landlord representatives and wholly misappreciated the need for their representation by special constituencies.

It would perhaps be better if the Provincial Governments and the Government of India were left to deal with these recommendations. They at least could not be charged with motives of self-interest or with a desire to indulge in special pleading for their own Order.

The Provincial Governments' Criticism.

(1) Madras.

The Government of Madras in its Despatch dated 11th August, 1930, says "The Government of Madras consider that the Commission was acting on a wrong assumption when it considered that Landholders would necessarily exert such influence that their return would be assured and that, therefore, there was no necessity for a separate electorate. The signs of the times tend to the other direction, and it is extremely doubtful if, in the future, Landholders will be able to exercise the same interest as at present There is a danger that Landholders, if they are sure of obtaining a certai number of seats by nomination, will not take the trouble to stand for electio and rather than run the risk of a council in which Landholders are represent by nominated members alone, the Government would prefer to contin their special electorates, as they originally suggested."

The Bombay Government is equally emphatic, and would, indeed, ext their representation. In its Despatch No. 1/161, dated 13th August, 1 the Bombay Government states: "The Government of Bombay are un to accept the recommendation regarding the special representation of I holders, and adhere to their proposals submitted to the Indian Stat Commission that, besides continuing the present representation of the holders, an additional constituency for them should be created fo southern division of the Presidency and one seat allotted to it. The ment that by virtue of standing and influence they have opport of being returned in the general constituencies applies to an equal to the commercial communities also, which, under the Commission's mendation, are to have special electorates provided for them. The ment of Bombay, therefore, are of the opinion that in view of the im of the Landholders and the steadying influence, which they are exercise in the councils, the privilege of special representation by them should be continued, and that, as Landholders in the division owing to the smaller number of electors in it, have, had very little chance in the election against candidates in division a separate seat should be allotted to them in the south as suggested above."

Bengal.

The Government of Bengal takes the strongest objection ordinary recommendation of the Commission, and in its Desp

A C dated 15th August, 1930, says "To the recommendations of the Commission on the subject of the Landholders' constituencies the strongest objection is taken by several members of the Government They urge that ... *not represent* ... *e governed by* ... *political party*

'A further argument used is, that the interest of the Landholders' representatives in stabilising the constitution is valuable, and, as it is considered important to introduce into the council every possible stabilising element, there is general agreement that the separate Landholder constituencies should be retained There is some difference of opinion on the question whether their number should be increased proportionately to the increase in the number of members in the council the majority being in favour of giving the Landholders' the same proportion as in the present council But the actual number must depend on the decision about a Second Chamber" The Bengal Government's memorandum is important in two respects It shows the futility, from the Landholders point of view of the argument that they can be returned by general electorates and it correctly lays down that the principle of special representation is unaffected by the constitution of a Second Chamber

The United Provinces

In view of the present agrarian situation in the United Provinces, the views of the Government of that Province must carry special weight In its Despatch No 4949 C, dated August 23rd, 1930 it says 'The great Landholders of this Province have special electorates which return six members of the Legislative council Can the ground that their standing and reputation, and the influence which they exert in their own localities have enabled them to share a large number of seats in the general constituencies, and are therefore such as to render special protection unnecessary, the commission *have, subject to a certain safeguard to secure them their* present representation, recommended the withdrawal of their respective special representation This Government are unable to endorse the Commission's recommendation Government hold that the representation which the great Landholders have been able to secure has not been disproportionate to their political importance in present conditions It is almost inevitable that as the electorate gains political experience it will tend to prefer representatives drawn from sources other than the great landed families and *the need for special representation is likely to increase rather than decrease* This Government are unanimously and strongly in favour of the retention of the great landholders at the existing ratio and the Governor in Council desires to repeat the recommendation placed before the Commission I am also to add that the Ministers consider that similar bodies of equal status (to the Agra Province Zamindars' Association) in other Provinces should also return their own representatives by separate electorates to both Chambers of the Provincial Councils and also to the Federal Assembly and the Council of State '

Bihar and Orissa

The Government of Bihar and Orissa is not a whit behind the other Governments in this behalf and in their Despatch No 4368 A R, dated 23rd August 1930 say "The proposal to abolish special representation for the great Landholders has been strongly resented by the Landholders of this as of other Provinces Due weight must be given to their representations The Commission appears to have been influenced unduly by the fact that the great Landholders have succeeded in all the Provinces taken together in being returned for four times as many seats as were specially reserved for them It is to be noted however that in Bihar and Orissa, where the position and influence of the Landholders is as great

as, or greater than in other parts of India, the Landholders have not come off so well; they have only secured election in ten of the general constituencies in addition to the five reserved seats, and even these members, though possessing the qualification needed for the Landholders' constituency, *are not elected in that interest*. "Though prophecy is not easy and knowledge is impossible," there appears full justification for their apprehension that, with a larger number of voters, but with constituencies smaller in area, the Landlords will have greater difficulty in securing election and will not enjoy as favourable a position as at present. The Local Government attach great importance to the due representation of this class, not *qua* Landlords, but as stake-holders in the country, who can be trusted to add a sound element of responsibility to the councils, which may, under the democratic constitution now proposed, consist largely of persons who have little to lose by ill-considered legislation or ill-advised executive action. The presence of such an element in the council will be the more necessary when the official bloc is removed and the number of nominated members is reduced. His Excellency in Council and his Ministers consider that the arguments in favour of special representation completely outweigh the single argument put forward for its removal, and urge strongly that reserved constituencies should be kept for the Landholders in no smaller proportion than at present."

Punjab.

The Punjab Government in its Despatch No. 4766—S, dated 14th August, 1930, says: "We are impressed by the fact that, with the extension of of the franchise to a portion of the tenantry and a lowering of the rural property qualifications, Landholders of the class which stood for the special constituencies may have difficulties in securing representation. We consider them an important interest in the Province, and as we do not propose to have a Second Chamber, we would retain special representation for them *in the Council*."

This striking unanimity of official opinion cannot be ignored and must be given due weight. Nor, till the Report of the Simon Commission was published, was there any difference in non-official opinion on the subject. All the provincial committees which were associated in the enquiry of the Indian Statutory Commission recommended the retention of special representation for Landlords. The Indian Central Committee also urged its retention.

The View of the Government of India.

The picture will be incomplete without the views of the Government of India on the subject. In their Despatch No. 1 of 1930, dated 20th September, 1930, the Government of India state: "*The recommendation* of the Statutory Commission conflicts with the view expressed by the Indian Central Committee that this class of special representation *should be retained*. Every Provincial Government except the Government of Assam, where there is no special representation of Landlords, agrees with the Indian Central Committee, and considers that the special representation of the great Land*holders is still needed* in view both of the position of the class in the country and of the steadying effect which it is likely to have in the new Legislatures. The suggested abolition of their special representation has been received with feelings of resentment and dismay by the great Landholders themselves, and one of the first steps which they took on learning of the proposal was to form a representative delegation to present to His Excellency the Viceroy an address containing a weighty protest against the withdrawal of their present privilege. Particular objection has been taken by the Landlords themselves to the suggestion made by the Commission that, in the event of their failing to secure representation *equivalent* to the present number of their special constituencies, their representation should be obtained by nomination."

It may be emphasised here that the Government of India have rightly gauged the feeling of the Zamindars and Landholders on the proposals of the Simon Commission *The resort to nomination is a reactionary suggestion* and cannot be offered to a class of people who have hitherto enjoyed the right of election It is further open to grave doubt whether any section at the Conference would agree to the principle of nomination for any interest since such principle is fundamentally opposed to the scheme of provincial autonomy Is the Governor of the Province to nominate and if so is he to do so on the recommendation of the Ministry which will thereby augment its own strength and position in the Council?

The views of the Government of India are unequivocal on the need for the continuance of special representation for Landlords The Despatch says ' We have ourselves no hesitation in holding that this form of special representation should continue The success in general constituencies of persons possessing the special landlord qualification can rightly be regarded as a healthy sign of a greater readiness on the part of a conservative class *to recognise their obligations and take up political responsibilities under an* increasingly popular system of government But prejudices still survive and unless special constituencies are retained many leaders of this important class may still be unwilling to expose themselves to the hazards of election by general constituencies, and *those Landholders who are elected by general constituencies may prove to be unrepresentative of the landholding interest* Such questions as tenancy and land revenue measures can be expected to occupy more prominently the attention of the Provincial Legislatures in the near future and in the controversies likely to ensue the Landlords can reasonably claim that they should not be deprived of their special representation at a time when the extension of the Franchise may well increase the difficulty of their securing representation on a general register The Government of India thus conclude their final and considered recommendation "On the broad issue whether or not there should be special constituencies for the representation of the great Landholders we have no hesitation in accepting the view of the Indian Central Committee and of the Provincial Governments that they should be retained both in the Central and in the Provincial Legislatures "

In spite of the strong support of the Provincial Governments and the Government of India the Landholders are *disquieted as the proceedings of* the [illegible] far allayed their apprehensions or gua[illegible] as reflected in a resolution moved by [illegible] of State so recently as September 23r[illegible]ate representation should be given to [illegible]n of India with a view to protect their interests The spokesman of the Government of India quite legitimately pointed out that the Government had supported the claim and suggested that the Delegates to the Round Table Conference may now be addressed on the subject

The Landholders' delegation at the Conference therefore urge on their colleagues the justice of their claims and the need to meet them They wish to point out that their stake in the country requires that they should be heard in vindication of their rights in the popular Houses of Legislature both Provincial and Central They respectfully point out that if Landholders are returned through general electorates they will necessarily feel bound by the mandates of such electorates and that in those very vital issues where their class has to be represented their obligations to the electorates will conflict with their duty to their order They further feel that even as candidates *in general constituencies* with the most liberal intentions towards their tenantry they will be exposed to merciless and unscrupulous attacks of those who desire to fight them in the election by exploiting the passions and class prejudices of their tenantry *They are emphatically of* opinion that resort to nomination to secure *their proper place in the Legislature* is a *humiliating device and* that further, there is no section of the Conference which will accept such a device

Landholders, therefore, claim that they should be granted special representation through special constituencies in the same ratio to the total elected strength of the House as at present, in both the Provincial and Central Legislatures.

In anoher memorandum the question of Second Chambers and the claims of Landholders with reference to such chambers will be dealt with.

ANNEXURE 8.

I.

Statement on behalf of the Sardars' and Inamdars' Central Association of the Bombay Presidency.

Circulated by the Raja of Bobbili.

18th October, 1931.

1. On behalf of the Sardars' and Inamdars' Central Association of the Bombay Presidency representing the landed aristocracy and gentry of the Bombay Presidency who are commonly styled as "Landholders," we have the honour to present their case to His Majesty's Government and to the members of the Indian Round Table Conference.

2. The class of the "Landholders" is composed of Sardars, Inamdars, Jahagirdars, Saranjamdars, Talukdars and Watandars, each of which tenure has some specialities peculiar to it. The term "Inamdar" is more or less generic and has been used so as to include all the various tenures.

3. The landed aristocracy of the Bombay Presidency is an important part of polity from times immemorial. It founded empires, led armies, and was principally responsible for the civil administration, army and defence. It formerly wielded and still wields a great influence in society. It is in no way inferior to any other class in respect of education and culture, and has not been slow to move with the changing times. This class has the special advantage of coming into direct contact with the villages, for the development of which no class is better fitted. In paragraph 147 of the Montagu-Chelmsford Report it is said—

> "The natural and acknowledged leaders in country areas are the landed aristocracy. They generally represent ancient and well-born families and their estates are often the result of conquest or grants from some mediæval monarch. By position, influence and education they are fitted to take a leading part in public affairs. Some of them are beginning to do so, and our aim must be to call many more of them out into the political lists."

This quotation is given to bring prominently to notice that the framers of the Report intended to lay down as a matter of policy that this class should be given proper facilities to play their part in the new order of things.

4. The interests of this class are extensive. In the Bombay Presidency proper (exclusive of Sind) this class holds 2,076¼ villages as alienated, the total number of villages being 20,834½. The *net* revenue of the alienated villages and lands is Rs. 1,07,13,995, the land revenue of the Government villages being Rs. 4,30,15,007. Thus it can be roughly said that Sardars and Inamdars hold one-tenth of the number of Government villages, and hold one-fourth of its land-revenue.

5. The tenures, culture and political education of Sind being entirely distinct from that of the Presidency proper, our Association has restricted its activities to the aristocracy of the Presidency proper, and we are not going to offer any remarks about Sind and Sind Landholders.

6 Hav ng descr bed the interests of our class and the r extent we procee l race the hi tory of repre entat on accor led to th s class in the Leg slature

7 S nce 1861 one person from our class was be ng nom nated in the mbay Leg slat ve Co nc l t ll the year 1 9 when there was a chan e in e on. tut on of the Leg latures F ect ve pr n pl c me n an l one at was reserved to be elected by the Deccan S r lars on y for the B mb y o n il The Order of Sard rs of the D c an s a c eat n of the I l t al partment of the B mbay Government an l the n l n of any p r n the list of Sardars dep nd exclu vely on the w t w l of the I n t y rnment Thus the Inam lars many of whom have nt r ts m l l r r n thos of many of the Sar lars r r r l nn pr n l The C l r he Sard rs of Guz rath w s creat l ab ut the y ar 1908 an l th M r I nto Reforms prov ded one more seat for th m n the L cal n l t oam ars who con.t tute the ma n bu k of the lan l l ar r y r ma n a afran h e l P forms of 1 9 went furth r an l th I n l l rs f t a bay Pre l n v w e given a sea n the Centr l L t re wh l a a mately l a d b the lan hol ers of S n l an l S r rs of C z rath an l andhold s o S nd and the Sardars f the Dec an th Inam r s l

13. Wider powers have to be given to the Legislatures to cope with strong demand from the public for the same, and they should be so constituted as to progress on proper lines. We record it as our considered opinion that this can be best achieved by giving the special interests so much representation as would effectively influence the deliberations and decisions of the Legislatures. We have confidence that representatives of the special interests like Landholders, Commerce and University will be persons of balanced views, and their voting will be guided by reason and responsibility. As the popular Chamber will have real power and control over the purse, great care has to be taken of its constitution; we advocate the policy of *effective representation of the special interests in it.*

14. With due weight to these considerations and without exaggerating our claim in any way, we modestly ask for twelve seats in the Bombay Council, and three in the Assembly, and one in the Council of State, if it is to be retained.

Second Chamber for Provinces.

15. It is the considered opinion of this Association that a Second Chamber consisting of the representatives of important interests like the Landholders, Commerce, University, and men of experience is a necessity in the interests of the people of the Bombay Presidency during the initial period of the introduction of autonomy until the Legislatures are accustomed to use th new powers with which they will be invested, and the voters fully learn by experience the importance of the right to vote. After an experience of twenty years, the Provinces should decide whether the Second Chamber should be continued or done away with. Our Association unhesitatingly states that the Simon Commission have put the cart before the horse in recommending that the Provincial Legislature should be unicameral at the outset and should afterwards decide whether to establish a Second Chamber.

16. It may be pointed out that this Association had waited in deputation on His Excellency Lord Chelmsford and the Right Honourable Mr. Montagu in 1917, and had submitted a scheme for a Second Chamber even then.

17. This Association recommends that the Second Chamber should b so constituted as to be above any tinge of communalism which can b secured by an electorate with high franchise and without communal bas We think that a Second Chamber so constituted will be an effective prevent to the evils of communalism in the Lower House.

Guarantees.

18. While advocating full autonomy for India, we make it clear specific provisions be incorporated in the new constitution for resp the pledges and solemn engagements made by the previous Govern and by the British Government.

19. As observed in paragraph 147 of the Montagu-Chelmsford "the estates of the Landholders are the result of conquests or from some mediæval monarch". In pre-British times many of th Princes and many of the "Landholders" stood practically on t level. After the introduction of the British Government, "Land having extensive territories were constituted into Ruling Princes ing into Treaties with them. Such of the old magnates as did possess extensive estates were not invested with territorial p these now constitute the class styled as the "Landholders" of t Presidency. Solemn pledges were given and Sanads were issu on behalf of the Secretary of State for India as representing F Government that their estates would be continued to them further increase in land tax or succession duty. Our Asso that the Indian or Provincial Legislatures should not be giv impose any tax on Inams and Saranjams in contrave the Sanads and pledges, nor should they have

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21 In conclusion, we have the honour to request the Right Honourabl
the President and the Members of the Round Table Conference on behalf
of our Association to give their favourable consideration to the statement and
to our prayers

A brief note on the aims and extent of the interest of the Landholders
of the Bombay Presidency —

The term "Landholders" includes only holders of alienated land such
as Talukdars Sardars, Saranjamdars Inamdars and Watandars and not
the holders of ordinary ryotwari lands The tenures of such Landholders
are of a special nature and have a special history In several cases the
grants of the Inams are from the Vijayanagar and still more ancient kings
in some from the Adilshahi and other dynasties in others from later pre
British Governments In several cases i.e. the De...is and Deshpandes
the watans have been existing time out of mind and have been continued
by successive Governments The grants were for distinguished military
service and some other useful service both to the Government and the people
These Landholders took an active part in both the Civil and Military
Government of the pre British period and acted as a reliable link between
the people and the Government The British Government too hi after
a careful enquiry guaranteed to continue the Inams by the issu t ex
press orders and Sanads which have the same sanctity as Treaties and
engagements One of the main condition of the Sanad is that the Inam
would be continued for ever without increase of land tax if any imposed
thereon These Sanads form the basis of the agreement between the Inam
dars and the Government and ought to be as they have been hithert
scrupulously respected In the early part of the British Government when
everything was in an unsettled state the watandars have been of immense
help both to the Government and the people It was the watandars who
till the advent of the British Government maintained in tact the self
contained and self sufficient village administration Their utility has been
since greatly diminished owing to the enforced commutation of the service
The bulk of their interests involved —Out of a total of 22 005 villages
in the Presidency proper, 2 372 i.e. nearly 10 per cent are Inam villages
and nearly 25 per cent of the gross revenue of the Presidency proper is
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All principal castes including the Muslim and Depressed Classes in the
country are included in this class of Landholders

Condition of Loyalty imposed on the Sanads —As the loyalty clause in the
... and might be stretched to any length by the Executive Government our
... is always shy of putting forth a hard front even to support its
... rights and privileges for fear of losing the holding itself with the
... that their prestige both with the Government and the people is
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... all popular movements Consistently with their relations with Gov
... at they have been helping the popular cause as far as it lies in
... power They are for full Dominion Status and will try to attain it
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... rivileges enjoyed by them time out of mind from generation to gene-
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In the ordinary course they should have no fear in that res

12. Wider powers have to be given to the Legislatures to cope with the issues arising from the ... for the same, and they should be so constituted as to progress on proper lines. We record it as our considered opinion that this can be best achieved by giving the special interests so much representation as would effectively influence the deliberations and decisions of the Legislatures. We have confidence that representatives of the special interests like Landholders, Commerce and University will be persons of balanced views, and their voting will be guided by reason and responsibility. As the popular Chamber will have real power and control over the purse, great care has to be taken of its constitution: we advocate the policy of effective representation of the special interests in it.

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attach abrogate or curtail an Inam or Saranjam in any way either directly or indirectly

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The bulk of their interests involved—Out of a total of 22 905 villages in the Presidency proper, 2 372 i e nearly 10 per cent are Inam villages and nearly 25 per cent of the gross revenue of the Presidency proper is alienated

All principal castes including the Muslim and Depressed Classes in the country are included in this class of Landholders

Condition of loyalty imposed on the Sanads—As the loyalty clause in the Sanad might be stretched to any length by the Executive Government our class is always shy of putting forth a hard front even to support its own rights and privileges for fear of losing the holding itself with the result that their prestige both with the Government and the people is being slowly undermined Landholders have all along been sincerely supporting all popular movements Consistently with their relations with Government they have been helping the popular cause as far as it lies in their power They are for full Dominion Status and will try to attain it

The only anxiety of these Landholders is that the legitimate rights and privileges enjoyed by them time out of mind from generation to generation should be continued in future and whatever form the future Government will take it should have no power to encroach on the rights secured by express orders and Sanads and time-honoured and well recognised practices In the ordinary course they should have no fear in that respect

Resolution No. 7.

In view of the policy pursued even under former Governments and in view of the understanding arrived at the time of the Settlement of the Watandars of the District Hereditary Officers, this conference requests Government to follow a liberal policy in granting permission to adopt outsiders by levy of Nazrana where there are no persons in the Watan Family existing with a view to preserve ancient Watandar Families.

Proposed by SHRI. H. R. DESAI.
Seconded by SARDAR BABASAHEB BULLAPA DESAI.

ANNEXURE 9.

MEMORANDUM ON SECOND CHAMBERS IN PROVINCES.

By the Maharaja of Darbhanga and the Raja of Bobbili.

We desire that in the Provinces there should be established an Upper House or a Second Chamber which will function as most such Chambers do, as a revising authority in legislative matters. We do not desire to go into any details as to the functions of such Chambers and their relations with the Lower House. These matters could be adjusted once the principle of the establishment of Second Chambers is generally agreed upon.

At the last Session of the Round Table Conference, this question was considered by sub-Committee (No. II (Provincial Constitution) and the recommendation of that sub-Committee was as follows:—

> "The existing Provincial Legislatures are unicameral. The sub-Committee recognise that conditions in some Provinces may make it desirable that the Provincial Legislatures should be bicameral, but the decision to incorporate a Second Chamber in the new constitution of any Province other than Bengal, the United Provinces and Bihar and Orissa where opinion in favour of a Second Chamber has already been expressed, should not be taken until opinion in the Province definitely favours this course."

Two questions which arise for consideration on a perusal of this recommendation are: Whether the Provinces mentioned therein are the only Provinces which have expressed in favour of Second Chambers, and whether the principle of obtaining the opinion of each Province on so fundamental an issue can be adopted. If it is considered that the course suggested by the Committee should be pursued, a further question of an ancillary nature, but by no means of secondary importance, arises, as to how and when provincial opinion should be obtained on the subject.

We are clearly of opinion that the establishment of Second Chambers is so fundamental an issue, not merely in regard to vested rights and interests, but to the proper working of the constitution, that we cannot contemplate with equanimity the differential treatment of Provinces in this behalf. The Provinces of India cannot be compared with the States of any of the well-known Federations. In Canada and Australia, the units making the Federation are comparatively small in area and population. In the United States the Federating units are in some instances not much larger than the biggest district of a Province. It has been possible, therefore, and even desirable in dealing with such small units of a federation to give a certain degree of latitude and not to enforce a uniform system of bicameral Legislature in all the Federating units.

The size and population of the [illegible] its of the Indian Federation afford the best argument against [illegible] the sub-Committee. The population in some of the provin[illegible] by the Committee varies from 20 millions to [illegible] at the threshold of [illegible] of a great [illegible] vast

areas and populations should be left to the untrammelled control of a single Chamber No expedient of a power of veto or other extraordinary powers vested in a governor will be in practice effective The check for over hasty or panicky legislation must be found from within and cannot either effectively or for long be imposed from without We therefore strongly urge for the establishment of a bicameral system of Legislature in all the Provinces

Indeed, it is hardly necessary to point out that the expedient of a ... d than the vesting of extraordinary ratic character of the constitution t such Second Chambers will neces- ing the careful and adequate con g experience of the Lower House sions of interference by a Second therefore that while a governor's ess the system of bicameral Legis uch will make for the healthy and vigorous growth of democracy

The Simon Commission in their Report first suggested the desirability of establishing Second Chambers only in some Provinces The Government of India in their Despatch have followed up the suggestion and have limited the recommendation to those Provinces where Provincial Governments have agreed to the establishment of such Second Chambers It would be unfair, however both to the Provincial Governments concerned and to the Government of India, to conclude from this recommendation that they are not in favour of Second Chambers The fact cannot be overlooked—and this has a very great bearing on the consideration of the question at issue—that the various Provincial Governments in their Despatches were not contemplating the constitution which is now emerging from the deliberations of the Round Table Conference The ideal of a federation of all India is still a distant ideal" according to the Government of India They no doubt contemplated a sort of federation of Indian provinces but even this was severely limited by various consideration arising out of the present system of unitary control And in their Despatch the Government of India stated We require a vigorous central authority capable of sustaining the heavy burdens that necessarily fall upon it It should be in a po tion to mobilise the experience, talent and resources of all India for the more efficient pursuit of such objects as agriculture medical or economic research It must also possess powers of intervention if developments in any Province are such as affect any other part of India or the administration of any central subjects

It is not unnatural that under such a scheme the constitution of bi cameral Legislatures in the Provinces was not considered an urgent necessity, and the Government proposed to leave the question to be decided by Pro- vinces But with the emergence of the idea of an all India Federation, the with the desire expressed by States of entering into such a federation the position has entirely changed One result of the acceptance of an all India Federation as the immediate objective has been an appreciation in the position of British India Provinces These Provinces are no longer content to be in the subordinate position and under the leading strings of a Central Government, which they have hitherto been In fact the claim is put forward by British Indians that Provinces should practically be sovereign States not much inferior in status to Indian States in relation to the new Federal Government The States themselves have made it clear that they will not tolerate any process of levelling down but that the natural corollary of the acceptance of the idea of federation should be the levelling up of Indian Provinces to the status of Indian States

It cannot, therefore be denied that either directly on the formation of an all India Federation or very soon after Indian Provinces will has ... the enhanced powers and will be comparatively free from central control supervision or even advice This process of levelling

is bound to grow at an accelerated pace until the Provinces become sovereign units in the new federation Is it then possible to take the same "indifferent" interest in the creation of bicameral legislatures in Provinces under such vastly changed circumstances and when these units have virtually full powers within their jurisdiction? There can only be one answer to the problem, that in the new constitution every Province must have a bicameral Legislature, the Upper House acting as a wholesome restraint always on the Lower House.

In supporting the proposal for a strong Second Chamber, at the Centre, in addition to the extraordinary powers vested in the Governor-General, the Government of India very cogently argue that though "the Governor-General will continue to be charged with the duty of securing those purposes which will be the concern of Parliament, it is desirable that, as far as possible, those powers should not be brought into play in opposition to the wishes of the Assembly, until the decisions of that body have been reviewed by the calmer judgment of the Council of State" It is obvious that this argument applies with equal force to the provincial administrations and to the powers proposed to be vested in provincial Governors

Even with reference to those Provinces in which the Government of India do not immediately contemplate the establishment of a Second Chamber, they do not appear to be certain that a single Chamber will be always safe or effective They state "Future circumstances may create a demand for a Second Chamber We accordingly accept the suggestion of the Government of Madras that the subject should be included among those matters on which after ten years a 'constitutional resolution' may be passed, and would apply the provision to all Provinces, leaving it open to a Provincial Council to recommend the creation of a Second Chamber, where none exists, or the abolition of one that has been set up We do not take it as certain that no Provincial Council will pass a resolution to substitute for a unicameral, a bicameral system We would suggest that a resolution dealing with the creation or abolition of a Second Chamber should require to be supported by not less than three-fourths of the votes of the Legislature instead of the proportion of two-thirds suggested by the Simon Commission for other matters

This recommendation of the Government is so extraordinary that it requires some consideration The optimism of the Government that they do not think it is certain that "no Provincial Council would recommend the creation of a Second Chamber" is as striking as it is ill-founded It is difficult to find an example of a State with a single Chamber afterwards resolving to saddle itself with a Second Chamber, to revise or suspend the decisions of the first Chamber History affords no such instance of self-abnegation on the part of a popularly elected Chamber Further, when it is remembered that the Government of India seriously suggest that a three-fourths majority of the popularly elected Chamber should vote for the creation of a second Chamber which will check the vagaries of the first Chamber, the suggestion becomes fanciful Is it conceivable under any circumstances in any country that three-fourths of the number of elected members of a popular House will have so little faith in their own wisdom and fair-mindedness as to suggest that their judgment should be revised by a Second Chamber?

The truth is that the Government of India have reversed the position and have therefore landed themselves in a sort of awkward blind alley. Their line of reasoning ought to have led them to recommend the constitution in each one of the Provinces of a bicameral Legislature Power should then have been taken to alter the constitution at the end of ten years by a constitutional amendment adopted at a joint session of both Houses by a three-fourths majority This is the only practical and constitutional method of working the newly enlarged provincial administrations The need for a Second Chamber is greatest at the initial stages and not after a period of ten years, when popularly elected Chambers learn by experience to restrain their impetuosity and get accustomed to the use of power.

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In asking this much we feel we are doing nothing unreasonable bec[ause] once it is admitted—and it has been admitted by everyone without reservation—that the consensus of public opinion is for the retention [of] residual powers in the Provinces it logically follows that there should [be] created Second Chambers in the Provinces.

It may be asked why among others Landlords require a Se[cond] Chamber in the Provinces when they have already demanded special r[epre]sentation in the popularly elected Chamber. The reason is obvious. [Be]cause the claim for special representation does not arise out of a desire on their part not indeed to affect the popular Chamber['s] decisions of that House but to have their case properly presented to the consideration by the members of that body. The Landlords realise that they cannot have by special representation in the popularly elected Chamber such number of members as can in any way influence the actual voting on matters in which they are interested. Also before a question comes before the Second Chamber it is highly essential that every effort should be made for the Lower Chamber to appreciate the special point of view of Landlords. If this point of view is ignored or brushed aside by the Lower Chamber then one real safeguard lies in the revising and suspensory powers of the Second Chamber. It must moreover be clearly realised that Second Chambers are not intended for merely Landlords but other large interests and are intended for not

In this connection it has to be pointed out that the Provinces do not help the interests of Landlords to an equal extent all those special ... and Commerce. And thus the Second Chambers like the ... and privileges of the important ... to be pointed out that the Madras Province ... richly deserves a Second Chamber ... the largest number of ancient and ... the Madras ...

There remains the minor question ... opinion should be obtained as to ... any Province. It is obvious that ... of sub-Committee II such opinion ... constituted under the present ... respect to other Provinces ... till councils are constituted ... have been returned with a ... Party of conditions require ... all Provinces and that the ... an opinion should it still be considered ...

In this connection it has to be ... already expressed itself in favour ... Provincial Committee elected by the ... Commission recommended in its Report ... for the Provinces. This Report was ... Legislative Council in a resolution ... is therefore submitted that in any ... Provinces for which a recommendation for the creation of Second Chamber has been adopted by the Provincial Constitution ... Committee ... the Conference.

We strongly urge therefore on our colleagues of the Round Table Conference the need for the establishment of Second Chambers in all Provinces. Without such a revising chamber we are bound respectfully to point out that we do not feel that provincial administrations can run smoothly or efficiently.

November 23rd, 1931

is bound to grow at an accelerated pace until the Provinces become sovereign units in the new federation. Is it then possible to take the same "indifferent" interest in the creation of bicameral legislatures in Provinces under such vastly changed circumstances and when those units have virtually full powers within their jurisdiction? There can only be one answer to the problem, that in the new constitution every Province must have a bicameral Legislature, the Upper House acting as a wholesome restraint always on the Lower House.

In supporting the proposal for a strong Second Chamber, at the Centre, in addition to the extraordinary powers vested in the Governor-General, the Government of India very cogently argue that though "the Governor-General will continue to be charged with the duty of securing those purposes which will be the concern of Parliament, it is desirable that, as far as possible, those powers should not be brought into play in opposition to the wishes of the Assembly, until the decisions of that body have been reviewed by the sober judgment of the Council of State". It is obvious that this argument applies with equal force to the provincial administrations and to the powers proposed to be vested in provincial Governors.

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In asking this much we feel we are doing nothing unreasonable, because once it is admitted—and it has been admitted by everyone without any reservation—that the consensus of public opinion is for the retention of residual powers in the Provinces it logically follows that there should be created Second Chambers in the Provinces

It may be asked why, among others Landlords require a Second Chamber in the Provinces, when they have already demanded special representation in the popularly elected Chamber The reason is obvious Because the claim for special representation in the popular Chamber arises out of a desire on their part, not indeed to affect by their own vote the decisions of that House, but to have their case properly presented for consideration by the members of that body The Landlords realise that they cannot have by special representation in the popularly elected Chamber such number of members as can in any way influence the actual voting on matters in which they are interested Also before a question comes up before the Second Chamber it is highly essential that every effort should be made for the Lower Chamber to appreciate the special point of view of Landlords If that point of view is ignored or brushed aside by the Lower Chamber, then one real safeguard can only consist in the revising or suspensory powers of the Second Chamber It must moreover be clearly realised that Second Chambers are claimed by and are intended for, not merely Landlords but other large interests as well

In this connection it has to be specially explained that Second Chambers in the Provinces do not help the interests of the Landlords only They serve to an equal extent all those special interests like the Universities Labour, and Commerce And thus the Second Chambers tend to ensure the rights and privileges of the important minorities Again in this connection it has to be pointed out that the Madras Presidency more than any other Province richly deserves a Second Chamber because the Madras Presidency contains the largest number of ancient and large Zamindars than any other Province

There remains the minor question as to how and when if at all provincial opinion should be obtained as to whether a Second Chamber is required in any Province It is obvious that in the Provinces referred to in the Report of sub Committee II such opinions have been obtained from the Legislatures constituted under the present Act It would be grossly unfair if with respect to other Provinces, this ascertainment of opinion should be postponed till councils are constituted under the new Act when perhaps members would have [illegible] in [illegible] less [illegible]

In this connection, it has to be noted that the Madras Legislature has alre[illegible] Pro[illegible] Con[illegible] for[illegible] Leg[illegible] is[illegible] Pro[illegible] has[illegible] Conference

We strongly urge, therefore, on our colleagues of the Round Table Conference the need for the establishment of Second Chambers in all Provinces Without such a revising chamber, we are bound respectfully to point out that we do not feel that provincial administrations can run smoothly or efficiently

November 23rd, 1931

ANNEXURE 10.

MEMORANDUM REGARDING DEFENCE.

By Mr. B. V. Jadhav.

A sub-Committee of the Round Table Conference was constituted last year consider questions of Defence, and they recommended:—

(*a*) "That immediate steps be taken to increase substantially the rate of Indianisation in the Indian Army to make it commensurate with the main object in view, having regard to all relevant considerations, such as the maintenance of the requisite standard of efficiency.

(*b*) That in order to give effect to (*a*) a training college in India be established at the earliest possible moment, in order to train candidates for commissions in all arms of the Indian Defence Services. This college would also train prospective officers of the Indian State forces. Indian cadets should, however, continue to be eligible for admission as at present to Sandhurst, Woolwich and Cranwell.

(*c*) That in order to avoid delay the Government of India be instructed to set up a committee of experts, both British and Indian (including representatives of the Indian States) to work out the details of the establishment of such a college."

The Government of India accordingly set up a committee under the Chairmanship of General Sir Philip Chetwode, the Commander-in-Chief of India, who submitted their Report to the Government of India.

Copies of this Report have been supplied to the members of the Round Table Conference.

I beg to submit that it is very desirable to convene a meeting of the Defence Committee of the Round Table Conference to consider the recommendations made by the Expert Committee and thus afford the members of the Defence Committee to place their views before the Round Table Conference. But if the Government do not see the necessity of calling a meeting I take this opportunity of placing my views before the members of the Conference with a hope that the authorities here and in India will give due consideration to them.

The proceedings of the Committee of Experts were opened at Simla on the 25th of May, when the Chairman, the Commander-in-Chief, informed the Committee of the Government's proposals for an immediate extension of the field of Indianisation in the Army to a force equivalent to a complete division of all arms and a cavalry brigade, with proportionate provision for ancillary services, staff, etc. These proposals involve an output of about "60 Indian King's Commissioned Officers a year". The Committee's task was stated to be "to draw up a scheme for a military college capable of producing this output".

I must state here that I am among those who do not approve of this method of Indianisation by dividing the Indian Army into two groups, Indianised and un-Indianised. I think that Indianisation should proceed from the bottom in all the units of the Indian Army.

In paragraph 14 of the Report reference is made to a decision of the Government "gradually to reorganise the officer establishments of Indianising units on the British pattern, consisting of 28 commissioned officers in a battalion, as compared with the existing establishments of 12 King's Commissioned and 18 or 19 Viceroy's Commissioned Officers. This decision involves the eventual elimination of the Viceroy's Commissioned Officer, no less than the Britisl officer, from Indianising units".

I have to raise a voice of protest against this decision of the Governmen of India which they took three years ago and managed to keep it as secret. It was casually alluded to in the speeches by the Commander-in-Chi and the Secretary, Military Department, in the two Houses of the Indi Legislature. But the words used were so cleverly enigmatic that none

to the early expert investigation concerning the reduction of British troops in India suggested by the Defence Sub Committee, it is understood that the Government of India have, in consultation with the Secretary of State for India appointed in May last a committee of military experts to go into the question but its composition and terms of reference are not known. It is believed however, that the Committee is wholly composed of military officers. It was expected that when this Conference resumed its labours during the current session, the Report of this Committee would be placed before the Conference. In answer to an inquiry by me, I was however informed that the expert investigation which was started early in December was still proceeding, and that the India Office has stated that 'it is too early as yet to say at what stage the results of this Committee will be available.' It is clear, therefore that during the present sittings of the Conference this report will not be made available and it is not known whether this report will be published. It is unfortunate that so representative a gathering as this Conference should terminate its proceedings without expressing its considered views on the vital problem of the defence of India, with special reference to the reduction of the British garrison in the light of the expert investigation suggested by the Defence Committee.

Strength of the British Troops in India

3 For several years Indian political opinion has expressed itself in no uncertain terms on the subject of the reduction of British troops in India, both on political grounds and also as a measure of economy. It is unnecessary now to dwell on either aspect of the question at any length. The arguments are well known to every member of this Conference and have been elaborated almost every year in the Indian Legislative Assembly and also at the annual meetings of all important political organisations in India.

4 On the eve of the Indian Mutiny the Indian troops in India outnumbered the British by eight to one. The total strength of the European troops serving in India about the year 1857 was 6,170 European officers, 3 [illegible]92 non-commissioned officers, rank and file, and [illegible] European veterans making a total of 45 107. Before the mutiny campaigns were over the British Garrison in India was raised to over 70,000 men and the Army Commissions which sat since the Mutiny had drawn fixed proportions of British to Indian troops which were accepted as a matter of high policy. In consequence of this these proportions were only slightly varied and the strength of the British Army in India as determined almost immediately after the Mutiny, has been maintained more or less at the same level. In 1885 on account of the supposed danger of a Russian invasion 10 000 British and 20 000 Indian soldiers were added to the Army and the total strength of the Army in India as it stood in 1887-88 was 74 000 British and 14[illegible] 000 Indian soldiers. The actual strength of combatant troops of the Army in India in 1903 was 77,075 British and 142 087 Indian ranks. During the Great War, there was a great expansion of the Indian ranks but on 1st September 1923 the strength of the British Army in India was 15 924 and the Indian Army was 124 507. Corresponding figures on the 1st April 1931 are 58 558 and 132 977. It will be seen from the above summary that the proportion of the British to Indian troops before the Government of India was taken over by the Crown was 1 to 8 and after that event this proportion was generally 1 to 2. In 1879 the Peel Commission fixed this proportion at 1 to 2 for the Bengal Army and 1 to 3 for the Madras and Bombay Armies. This was subsequently changed to the general ratio of 1 to 2.5 and the ratio is practically the same at the present day.

The Purpose of the Army in India

5 Various reasons have been assigned from time to time for the maintenance of this large British Garrison in India, and I should not have referred to these reasons but for the 'assurances' said to have been given to the Indian Statutory Commission on this matter. The Statutory Com-

mission say that "they have been assured the Army is not artificially enlarged with a view to making some portions of it available for service elsewhere or for the purpose of keeping on Indian soil a reserve not needed in India at the expense of the Indian taxpayer. Its strength is not more than is calculated to be necessary for meeting the emergencies of internal disorder and the possibilties of external attack". (Page 172, Vol. II.) The Report does not state the persons and authorities who had given these assurances. These assurances are opposed to the statements made by responsible authorities from time to time, to which it is necessary to invite attention. Though it was laid down by one of the Commissions that the purpose of the Army in India was "to prevent and repel foreign aggression, to prevent armed rebellion within British India and to overawe the armies of feudatory native States", the military policy of Great Britain was not solely dictated to meet the actual requirements for the purpose of internal and external security of India. The whole subject of the organisation of the Army in India was reviewed by the Peel Commission in 1858 and by the Eden Commission in 1879. The recommendations of these bodies linked up India with the general scheme of Imperial Defence of the British Empire, and the Indian Army as now constituted is not confined to meeting the legitimate domestic requirements of India, but is also intended to meet the requirements of British Imperial policy. These facts cannot be denied.

The Marquis of Lansdowne.

6. The late Marquis of Landsdowne, who was Secretary of State for War at the time of the Welby Commission, stated in his evidence that if India were isolated from the United Kingdom, it would be certainly not necessary to maintain a force such as is borrowed from the United Kingdom, and in the same degree of efficiency. He said that the Indian Army was organised with a view to the possibility of its employment upon operations which have nothing to do either with the internal policy of the country, or with the mere repression of tribal disorders upon the frontier. In his answers to further questions, His Lordship remarked that the present system was really in a great measure contrived to serve the two-fold requirements of Britain on the one hand and India on the other, and that millions of money had been spent on increasing the Army in India to provide for the security of India, not against domestic enemies or to prevent the incursion of the war-like peoples of adjoining countries, but to maintain the supremac[y] of the British power in the East

Lord Curzon.

7. In his introduction to *The Indian Corps in France*, another Vicer[oy] Lord Curzon, observed that "The Indian Army in fact has always posses[sed] and has been proud of possessing a triple function; the preservation [of] internal peace in India itself; the defence of the Indian fronti[er] and preparedness to embark at a moment's notice for Imperial ser[vice] in other parts of the globe. In this third aspect, India has long been one of the most important units in the scheme [of] British Imperial Defence, providing the British Government with a stri[king] force always ready, of admirable efficiency and assured valour". Atte[ntion] is also invited to the Report of the Esher Committee on the Army in I[ndia] who stated that the Committee could not consider the administrati[on of] the Army in India otherwise than as part of the total armed forces [of the] Empire. The Committee were requested in considering their recomm[enda]tions to avoid, if possible, framing them in such a manner as might he[reafter] prove inconsistent with the gradual approach of India towards Do[minion] status. But the Committee stated that for the purpose of the Repo[rt they] accepted the relations of India to Great Britain and to the Empire [as they] stood on the date of the Report in November, 1919. It is unneces[sary to go] into detail to these recommendations, but the point is that w[...]

armies of self-governing dominions are organised and maintained to meet their own requirements the Indian Army is part of the British Imperial system and the Esher Committee proceeded to make their recommendations on this basis In the first session in 1921 the Indian Legislative Assembly emphatically repudiated the assumptions underlying the Report of the Esher Committee that the Army in India could not be considered otherwise than as part of the armed forces of the Empire and that the military resources of India should be developed in a manner suited to Imperial necessities

Mr MacDonald

8 Finally I might also refer to the observations made by the present Prime Minister Mr MacDonald in his book on the Government of India He says What is the proper charge for India to bear for this occupation? A large part of the army in India—certainly one half—is an Imperial Army ... Indian ... When stationed ... do not charge them upon the Colonies ... the ... so ... defence ... to bear ... at the cost to its means and it would decide in what form ... to take its contribution—perhaps an Imperial ... In any event the present plan by which India pays for the Imperial ... must ... there without in any way determining policies ... as bad as it can be. If the existing system of military defence is to last the whole cost of the British army stationed in India should be borne by the Imperial Exchequer

I have referred to the statements of these high authorities as it was also suggested at a recent conference held at the India Office that the Army in India at the present time is [illegible] the defence of India. This is not a fact. On the face of the admission referred to above it is clear that the British Army in India is ... tained at ... partly for carrying out British ... the last

Indianisation of the Indian Army

9 I shall now refer to the ... of Indianisation of the officer ... of the Indian Army. During the discussion of the Defence Sub-Committee it was strongly urged by several members that ... efficiency and the availability of suitable ... consideration should be given as to the rate ... should be fixed within which the Indianisation ... majority of the members considered it impossible to ... lay down any definite rate of Indianisation and recommended that ... should be taken to increase substantially the rate of ... for the ... to the ... take into consideration the reports of ... in regard to this matter Nevertheless the Government of India ... the ... of the intentions of the members of the Defence Sub-Committee ... decided the ... relating to the pace of Indianisation ... the Indian Military ... Chief in India who presided over the deliberations of what ... College Committee gave a ruling that the ... of Indianisation ... not ... as a substantial increase in the rate of Indianisation ... the main object of resolution No 1 of the Defence Sub-Committee ... within the competence of the Committee The work of the Military College Committee was therefore practically restricted to a consideration of the ... educational and financial details relating to the establishment ...

Standing Committee of the Chamber of Princes The Chamber, however, is only a consultative body and these limitations do not affect the smaller States very materially, but the Federal Legislature will be a different kind of organisation with greater functional capacities and such handicaps and disqualifications are likely to prove a real hardship The criteria of representation operative in the Chamber of Princes must be abandoned and classification on the basis of status and sovereignty should be adopted, irrespective of salute, according to the list of precedence Although the possibility of recognising or attaining equality of sovereign powers may be remote, it is submitted that it is within the scope of practical politics to assure " equity of representation

There is not the slightest doubt that the interests of the Order of Princes, of States big as well as small are homogeneous and there is a common denominator of sovereignty The desire and necessity to safeguard that sovereignty is also common, and what is desired is that stress be laid on this unity of interests and position rather than on the arbitrarily drawn distinctions which have grown up

As regards (2) I am of the definite opinion that it will be in the best interests of the States and of India as a whole that the States join the Federation not consecutively but collectively The reasons in favour of this proposal have been adduced above and I need not further dilate upon them What I want to emphasise here is the unanimity that would make the States one if developed on pure and simple lines, enabling the problem to be solved, and allowing the whole order to play a valuable part in the scheme of things

The smaller States, as has been said already, do also cherish the degree of sovereignty possessed by themselves and they are making a proportional sacrifice in the interest of the whole, for this reason there can be no question but that they should desire and expect an effective voice in the counsels of the legislature which is ultimately to control their destinies There is no reason why their interests should not be safeguarded If under any

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all units

ll the States in Class I
status entitles them to
igible to send represen
d to consider a panel
te thereon as separate
entities The bigger States need in this event suffer no qualms or anxieties ... they have any occasion to be apprehensive as to their own position, as it will be in the interests of each unit to see that the best talent avail ... whether it be from among the bigger States or the smaller States ... ure election to the Federal legislature in the interests of the Order ... Men of sound views and mature experience would naturally ... number of votes The fact of belonging to a bigger ... uld in such circumstances be no handicap or dis- ... this can the truly ...ntative character of the ... tion to this ... be guaranteed a number ... would nec ... d by persons from the ... due representation in ... provide for the smaller ... eded cohesion among

Federation is condi-
at least the adop-

iking on behalf
included in the
rate safeguards
nal programme

Hasty Proceedings in the sub-Committee and the Committee of the Whole Conference.

The whole thing was done in a hurry and the members of the Conference had practically no time to study the implications of the amended draft. Mr. Mody, in his speech on the proposed amendment, introduced an important qualification which was supported by me. Mr. Jayakar, also in the same Committee, voiced the general feeling when he complained that he had not had the time nor the opportunity of considering in detail the wording of the clause. Lord Reading pointed out that the phraseology had been changed only "within the last few moments." Sir Hubert Carr also referred to the "amazing hurry" with which the alteration was to going to be made. Ultimately the Committee of the Whole Conference allowed some of the members to discuss the matter informally and come to an agreement. Without referring now to the substance of the speeches made when the Committee reassembled, it is sufficient to stress the point that though there was a great hurry to arrive at an "agreement," no real agreement as a matter of fact could be reached. When the Committee of the Whole Conference met, however, on the 19th January which, be it remembered, was the last day of the plenary Conference, it was announced, that an agreement had been reached and the amended draft was noted.

The point that I want to make from the above references to the proceedings is that not only should Clause 14 as amended be considered as a provisional agreement subject to review and reconsideration, but that the agreement reached was more or less unreal on account of the haste with which the proceedings were concluded. While the spirit of public service which must have animated Lord Reading and his colleagues when they met on the intervening Saturday to explore all means to arrive at an agreed conclusion must be deeply appreciated, I regret here to record and to bring home to members of the Conference the fact that the necessity of arriving at an agreement was allowed to overshadow the great importance of the principle involved in the clause. The period of eight months which have elapsed since the Conference finally adjourned on the 19th January last has given every one of us sufficient time and opportunity to re-examine that clause with that patience and scrutiny which it so fully deserves and to consult responsible opinion on the subject.

Vagueness in the Wording of the Clause.

The discussions which have been provoked by the amended clause have revealed that the succinct form finally assumed by it has imparted a sort of vagueness to the clause impelling critics to misconstrue it according to their own predilections. For instance, the European commercial community in India has interpreted the clause in an extremely conservative manner because to all intents and purposes they seek to emphasise that the provisions of the clause should make it impossible for the future Government of India to exercise any right of discrimination against the prevailing commercial rights of the British traders and industrialists in India. The persistence with which such views have been stressed has greatly stirred the Nationalist opinion in India and the feeling of uncertainty which has developed as a consequence justly demands that the clause should be purged of all ambiguities by the necessary elaboration. Personally speaking, it has been my conviction that the clause does not bear any interpretation calculated not to allow the Government of India any powers of discrimination in utter disregard of the necessities involved. In addressing a meeting of the Bengal National Chamber of Commerce in May last, I dwelt at length on this clause to explain that the clause was sufficiently elastic to allow the necessary degree of control in the interest of national economy. It is on this presumption alone that the clause seemed to have won the general support of the members of the Conference. The extreme view taken by the European commercial community could hardly be countenanced by the clause, as in that case the logical consequence of the acceptance of the clause would be not only to put a clog

follow the nature of the attitude taken up by the British commercial dele- [illegible] ibe as their [illegible] es is tenable [illegible] that of the [illegible] any depar ture from the analogy it consists in the fact that the British community in India is at present commercially and politically in a position of privilege and advantage while the High Contracting Parties who were asked to sub- [illegible] all free [illegible] nother [illegible] at the [illegible] untries [illegible] Bar ring these two possible points of departure from the analogy between the League convention and the proposed convention for India the League convention I submit offers us a useful guide in the matter of finding a solution for the conflict of interests in India The wealth of experience and knowledge and the weight of authority that were brought to bear upon the discussions of these questions of conflict in the Paris Conference invest their findings with an importance that cannot be exaggerated The [illegible] of the Convention was drawn up by M P[illegible]hard Riedl Chairman of the [illegible] Committee of the Council of the League of Nations and [illegible] International Chamber of Commerce which has [illegible] than a thousand economic organisations Chambers of C[illegible] and commercial federations and banking a[illegible]

The Significance of the Reservat[illegible]

A reference to the preamble of this [illegible] that since the object of the Conference was t[illegible] the nationals of a country and the foreigners [illegible] in that country nothing [illegible] allowed for the protection of th[illegible] a matter of fact in th[illegible] economic and co[illegible] was all [illegible] too [illegible] freedom and scope in th[illegible]

of India Despatch on the proposals of the Statutory Commission, that of want of confidence in the possible attitude of Indian politicians and statesmen in the future, if India were to get complete and unrestricted freedom in determining her own economic and commercial destiny. The start is thus made at the wrong point, even if the case of a mutual understanding or convention, whether based on reciprocity or not, was considered to have been established. If the representatives of the British commercial interests display a real spirit of accommodation and good will towards Indian aspirations, there is no reason why there should be any discrimination except that which is dictated solely by the national interests of India.

The Right of Discrimination is not an Arbitrary Right.

It is not difficult to conceive what the national interests of our country could possibly be, and it is proper that I should start with an attempt to define what this expression might mean. It does not mean, in the first place, that India claims for herself any arbitrary right to deal with non-Indians as she pleases. Apart from the obvious infringement of the principles of natural justice which such a course would involve, it would be clearly against national interest to pursue an arbitrary, and high-handed policy of discrimination even though it were practicable. The traditional culture of India has not been achieved by a policy of exclusion rearing itself in a maze of conflicting antipathies. It has been based essentially on sympathy, forbearance and toleration. India understands now more than ever that in the period of national reconstruction on a gigantic scale that will face her in consequence of the devolution of complete political authority on her, she will stand in need of the co-operation, help and sympathy of the world. There is thus absolutely no reason to fear that India should ever attempt to confiscate the just and legitimate rights of any non-nationals doing business in India. The patriotic Indians, however, seek, in national interest, to reserve the right of calling into question any rights or privileges which appear *primâ facie* to have a doubtful basis. Anyone who would argue that all the rights and privileges enjoyed by the British commercial community in India have been fairly and legitimately earned should understand that India has also a case which is contrary to this claim and the issue that the rights of the British commercial community doing business in India are to be guaranteed for all time to come is open to discussion for reasons stated hereafter.

Authoritative Recognition of the necessity of reserving certain Spheres of Economic Activity.

In the second place, it has been authoritatively recognised that every State has in national interest the right of reserving certain spheres of economic activity to the nationals of the State and also the power of regulating or restricting the conditions of admission to, or pursuit of, certain callings and professions, especially those which involve a devolution of the authority of the State or entail special responsibilities. In this connection, I may refer to a very important document prepared by the Economic Committee of the League of Nations and adopted by the International Conference on the Treatment of Foreigners held at Paris in the year 1929.

The British Attitude. The Draft Convention put up before the Paris Conference on the Treatment of Non-nationals, 1929.

The document is a Draft Convention "to embody in a common statute the civil, legal, fiscal, and economic safeguards which are indispensable for nationals of any contracting party who have been allowed to establish themselves in the territory of other parties in order to carry on their business or occupation therein, and to prevent any differential or unfair treatment which might in their own territory impede the trade of nationals of other countries." It is necessary to study this convention in some detail so as to

ness in India and hit them summarily and without justice The backwardness of Indian commerce and industry compels us to examine all such rights privileges and to see whether they are blocking the promotion and development of Indian commercial enterprise by creating and perpetuating monopolies or by otherwise restricting fair competition or by the possession of discriminatory privileges of whatever nature operating against the interests of the children of the soil The mere re-examination of such rights or privileges does not mean their forfeiture or even repudiation if the problem is approached in a spirit of goodwill mutual understanding and accommodation I do not see any reason why such examination should mean any harm to anybody unless the interests themselves be thriving upon discriminatory advantages If the rights and privileges at present enjoyed by the British commercial community are fair and proper and if the people of India have a genuine grievance that these or at any rate some of them are not so I do not find any reason why the former should at all resist the Indian proposal to refer all such disputed cases to arbitration by an impartial and representative Board meeting in an atmosphere of reason and helpfulness

The Recognition of the Right of Discrimination as a matter of Principle does not preclude Mutual Adjustments

Before I proceed further one thing should be made clear Certain industries trades callings and professions must be reserved to the nationals of the country, whatever may be the rights of any commercial community incidental thereto In these spheres the interest of the nation is absolute and this right should be recognised as a matter of principle The Paris Conference regarding the treatment of non nationals has made a list that is meant to be illustrative It need hardly be emphasised that the list should be interpreted to mean that there are certain spheres of activity in which the interest of the nation must have precedence over all other interests Subject to the recognition of the above principle I am sure that an equitable readjustment may be arrived at on many of the existing points of conflict It is relevant to point out in this connection that the principle of protective duties to encourage indigenous industries has never been challenged in India or in any other country The policy of the Government of India not to grant concessions such as bounties to industrial concerns unless the company firm or persons provide facilities for training Indian apprentices and in the case of a company, unless it has been formed and registered in India and has a rupee share capital and a reasonable proportion of Indian directors* was so far as I know never criticised on the ground that it involved an undue interference with or forfeiture of the existing rights of foreigners doing business in the country Again the necessity of discrimination has been recognised in the stores purchase policy of the Government The reason why no outcry was raised against these which are undeniably discriminatory in a sense was possibly due to the fact that these were considered to be necessary in the interest of India

Discrimination in favour of National Interest but not against the British Community as such

After all India looks at the problem of commercial safeguard from two broad standpoints One is that the British commercial community is a part of the larger body of non national interests that are doing business in India at the present moment and that India proposes to exercise her right of discrimination not against the British commercial community as such but as part of the whole of the non national interests existing in India Nobody can question the right of India to discriminate against one who is non national, and for all practical purposes the British industrialist as h

* This extract is quoted from the Secretary of State for In the Secretary General of the League of Nations No. E & O f this may be found in the Steel Industry Protectio

Earl Crewe in 1911.

It was in pursuance of what General Smuts conceived to be the "newer conception of the British Empire" that justified the principle of South African discriminatory laws against Indians settled or wanting to settle in the Union. A similar view was expressed earlier—at the Imperial Conference of 1911—on behalf of His Majesty's Government by the Earl of Crewe, who was then the Secretary of State for India, who said:

> "Nobody can attempt to dispute the rights of the self-governing Dominions to decide for themselves whom in each case they will admit as citizens of their respective Dominions."

Now, are the instances of such differentiation between the different classes of British subjects in the Dominions at all rare or infrequent? As a matter of fact, the question of British subjecthood, as one writer remarks (Pittius, *Nationality within the British Commonwealth of Nations*, p. 163), has hardly been taken into consideration at all in the process of discrimination. Restrictions have been imposed in the matter of immigration, including imprisonment or deportation of undesirables, and even in the matter of social and political rights. Even in England, where there is no legal distinction between British subjects hailing from various parts of the Empire, there are some regulations, as for example, those against coloured persons joining certain regiments. In the Irish Free State, British insurance companies are allowed to operate only after depositing a heavy security as a local reserve operating as a discrimination in favour of Irish companies.

The British claim for Equal Citizenship is thus tenable neither in Law nor in Constitutional Practice.

All these facts go unmistakably to prove that the claim that the British subject has an inherent right to equality of treatment in all parts of the Empire along with the nationals of those parts is tenable neither in law nor in constitutional practice. The recent constitutional tendency on the other hand points to the creation of a new kind of national status by several Dominions adopting a form of Dominion nationality, independent of its adoption of the Imperial Nationality Act, of 1914. These laws, however, are of restricted application and useful only as an index of the recent lines of the evolution of Dominion Status. The lesson for India is obvious. A self-governing India, equal in status with the Dominions, should have every constitutional right, not only to pass restrictive legislation upon any class of British subjects she desires in pursuance of national interest, but also might evolve an Indian citizenship which, in the fulness of the conception, as hinted above, will enable her to lay down conditions for the exercise of full civil and political rights.

III.

Political Development depends fundamentally on Economic Development.

It should be clear from what has been discussed in the previous paragraphs that, if India is compelled to discriminate against any class of British subjects in the national interest, it would be consistent with the existing constitutional practice. As to the question, if India is going to exercise the right and to what extent, I have already endeavoured to offer some suggestions. The freedom of determining one's own economic future is the inalienable part of the devolution of political authority, and India is so backward in industrial and commercial enterprise, that I have no hesitation in stating my belief that the initial period after the grant of political freedom, will inevitably be taken up with the reconstruction and rehabilitation of her economic system that is now labouring under serious handicaps. My appreciation of the Indian view enables me to emphasise that India does not want to ignore the just and reasonable rights of any commercial community doing

need hardly point out that the Associated Chamber of Commerce ... th ... the ... the ... non ... Committee of the Paris Conference regarding the treatment of non nat ... laying down that the coasting trade pilotage and the internal services ports are subjects in which discrimination might in national ... made between the nationals of one country and those of another The question was really whether Mr Haji's Bill amounted to any unjust or unfair discrimination because we cannot accept ... of the British mercantile community against the Bill that India shall in the future be debarred from exercising her inherent right of differentiating between national and non national interests in cases where the interest of the nation as a whole demands it Incidentally it may be pointed out in this connection that the success of British shipping industry has not been attained by the pursuance of a *laissez faire* policy The history of the ruin of Indian shipping is well known to all publicists and readers of the economic history of India To that I need not refer in detail now and rouse vain regrets But the following points which have been taken from a recent article in the *Young India* will be of interest —

(1) The employment of Indian built and Indian manned ships in the trade between England and India was prohibited on account of the agitation of British ship builders shipwrights and seamen

(2) British shipping Industry was assisted in its initial stage through Government subsidy Mail subventions are also given by the Government to British shipping companies not only foreigngoing but also coastal and inland though there are efficient Indian companies working These non Indian companies do not employ Indians in their higher staff either afloat or ashore as dock officers engineers or wire... ... a conference of ... at the instance of ... emphasised that ... ning ship in India and not ... British

(3) British shipping companies operating in Indian waters were till recently ...

(4) In ... A 1 certificat... first ... by the class risks by experts in London have been ... insurance agents in India solely on the ground of their Indian ownership

The above points are illustrative not exhaustive Many more instances in addition to the above could be cited to show that there are agreements in force which practically preclude Indian shipping companies from getting the custom of European shippers and all sorts of devices such as under cutting of freights * refusal of the insurance companies to insure except at a higher rate goods carried by Indian vessels and so on are adopted to kill Indian competition The Government have done nothing and yet Sir William Clarke had declared from his place in the Government of India in 1916 that 'the building up of industries where the capital control and management should be in the hands of Indians is the special object we all have in view'

D—The Coal Industry

I may next pass on to the example of the British own... aged collieries in India which have thrived not by fr...

* See *Economics of Shipping* by S N H...

but under special advantages, *e.g.*, the patronage of the European owned collieries by the Railways which are the largest purchaser of coal in India. (*Vide* evidence of the Indian Mining Federation before the Indian Railways Committee and their recent statement to the Working Committee of the Indian National Congress.)

It is needless to pile up instances of the discriminating advantages under which some of the biggest examples of commercial enterprise have flourished in India and discrimination which they themselves have practised towards Indians while doing business in this country.

The Devolution of Political Authority will remove some of the existing Inequalities. The consequent Alarm of the Europeans.

We hope that with the attainment of self-government, many advantages that the European commercial community enjoy on account of the government being in the hands of their kinsmen would disappear, and that we would be able to recover the ground lost in the matter of economic and industrial development. The European commercial community seems to have been alarmed at this quite natural and reasonable expectation of the Indians, and their apprehensions to be dislodged from their entrenched position have prompted them to raise the plea of too comprehensive "safeguards" as the condition for their agreeing to the grant of self-government which means, that all their rights and privileges of whatever manner or description must be made into a permanent feature of Indo-British commercial relations. In other words, the factors which account for the industrial and commercial inferiority of India would operate in perpetuity. We cannot agree to such a position. On the other hand it is fair to point out that even though the devolution of political power will lead to the removal of some of the existing inequalities, certain others will remain and these ought to be liable to re-examination in India's interest. If it is found that any of these inequalities is definitely retarding the development of Indian industrial enterprise or operating against India's interest, India should then be free to decide upon the necessary safeguards.

The opinion expressed by Sir Hubert Carr that "our commercial rights are not open to negotiation" was a frank advocacy of the views of the European community in the most extreme form. As a matter of fact, there is ample evidence to show that Indians are anxious to meet the claims of the European community with reason and good will. Being a commercial man myself, I recognise the importance of vested rights in commerce and industry. Even if it were possible to withdraw all such rights it would in many cases be undesirable to do so. But in that case the Britishers should evince their goodwill and equal fellowship with India. Unfortunately their attitude, at present, in commerce and industry, is one of aloofness and exclusion and this has removed all points of sympathetic contact between the European and Indian mercantile communities. The point needs to be clearly emphasised that it is not England but India which requires safeguarding—safeguarding against the unequal competition that she has now to face from powerful non-national rivals. Otherwise, India will never be able to get out of the rut into which she has fallen. By safeguarding I do not mean safeguarding any and every industry. I want to safeguard the key industries of India like iron and steel, coal and other industries that might be decided by the Legislature as key industries; the industries of transport—land, water and air—those which involve a devolution of the authority of the State, *e.g.*, high appointments in public service including the military, those which control special responsibilities like credit or insurance institutions; the mineral resources of the country; fishing and forestry rights; public utility services and industries, specially infant industries, forming the subject of concessions and special privileges; State monopolies or monopolies exercised under State control. This list is suggestive and may be altered, amended or added to by the Conference. But what I want to emphasise is that the principle of keeping the interests of India always in the foreground of our public policy should be recognised, and once this principle is recognised I have no objection

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HOW DID THEY LIVE?





INDIA

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to a Conference being called at a later date to work out the implications of this policy in detail. I cannot emphasise too much that a true perspective of the problem can be gained only by a realisation of the advantages of common fellowship of the two great nations British and Indian. The Round Table Conference has provided India with a momentous occasion and opportunity of meeting the representatives of the British nation in whose innate sense of justice she has full confidence. India requires their aid and co-operation. I hope that this Conference will enable us to arrive at a decision that will speed India along the path of contentment well being and prosperity.

ANNEXURE 13

Memorandum for the Establishment of an Inter Provincial Commission for Inter Provincial Economic Safeguards

By Dr Narendra Nath Law, M A, Ph D

Of the various problems that have been raised by the scheme of a Federal Constitution for India, the question of inter provincial safeguards is very important. So far as Bengal is concerned, I may say that public feeling is undoubtedly in favour of providing for some sort of inter provincial safeguards. Rightly or wrongly the view is held in Bengal that unless her interests are safeguarded, they will not be adequately looked after by the Federal Legislature as it will be constituted by the representatives of Provinces at widely different stages of industrial and commercial development. Some of the recent measures adopted by the present Indian Legislature notably the Salt Import Duty Act, have been definitely labelled as anti Bengal and the belief is now shared by a substantial section of the people of Bengal that unless there are adequate safeguards the interests of Bengal are not likely to receive proper and adequate care. This belief has its basis in certain tendencies in fact. These indicate in the first place a definitely provincial bias exhibited by

reason why the Bengalees ought to be made to follow trade and commerce, and to that end, they should be assisted by means of a vigorous public policy.

The problem has been intensified by the question of middle-class unemployment. It is a question which is peculiar to Bengal and on which Bengal [illegible]

figures that in the three industries, jute, coal, metal and machinery, only 100,000 labourers were returned as men and women born in the Province (Bengal) against 250,000 men or women born in other Provinces. In other words in these industries, for ten Bengalee employees there are twenty five non Bengalee employees. The position has certainly grown worse in the intervening decade. As for minor industries, in them also the Bengalee is being slowly but surely displaced.

The cause for the backwardness of the Bengalee in his own Province is due no doubt in a large measure, to deficiencies for which the Bengalee himself is responsible. It is proper that these defects should be recognised for the reason that it would spur our young men to develop a more practical outlook on business and industry and shake off their inordinate devotion to the gentle professions which are already overcrowded. But at the same time

it should be recognised that even if the Bengalees were to shake off their prejudices against industrial or commercial pursuits, there would still be great obstacles created by the powerful influx of capital and interests exploiting the resources of the Province. Besides, it is always a question how far the inertia of the Bengalee mind for commerce and industry has not itself been generated by the continued divorce of the people of this Province from these interests on account of the circumstances over which they have had no control.

What is needed in these circumstances is a forward policy for Bengal. Provincial patriotism is not a bad thing if its aim is to promote the well-being of the people of the Province without any detriment to the national interests. A well-contented healthy provincial life is the *sine qua non* of a prosperous federation. To that extent it is necessary to strike at the root of all discontent. A forward policy for Bengal is calculated to achieve that end. but for that purpose resources are necessary.

The Meston settlement and the action taken thereon have left Bengal in a sorry plight from the financial point of view. The following table summaries the position of Bengal as compared with other Provinces.

Expenditure per capita per annum according to Budget estimates for 1929-30:—

	Rs.
Bombay	8·291
Punjab	5·549
Madras	4·188
Assam	3·920
C. P.	3·792
U. P.	2·729
Bengal	2·554
Bihar and Orissa	1·800

The expenditure per capita on nation-building services is still more instructive. Taking the Budget accounts of 1928-29, we find that in that year Bengal spent Re. 0·58 per capita as against Rs. 1·59 in Bombay, Re. 1 in Madras. Rs. 1·40 in the Punjab. Re. 0·77 in C. P., Re. 0·76 in Assam, Re. 0·65 in the U. P., and Re. 0·42 in Bihar and Orissa. These figures show that Bengal has not resources enough to develop her nation-building services and in this respect she is behind all the major Provinces of India with the exception of Bihar and Orissa. It is thus necessary that this deficiency of Bengal should be removed at the next financial settlement and adequate funds placed at her disposal to undertake all those schemes of development that are likely to benefit the people of the Province. As it is, Bengal's total contributions to Imperial revenues are incommensurate with the resources which she has got under the existing scheme. That this grievance is justified is proved by the fact that Bengal's contribution of Rs. 636 lakhs under the Provincial Contributions Scheme was remitted from the very first of the operation of the Reforms.

Apart from the benefits likely to accrue from better financial readjustments, Bengal requires certain industrial and commercial safeguards—safeguards against the undue neglect of her interests by other Provinces. I recognise that it is not a practical proposition to attempt to lay down elaborate constitutional measures for safeguarding the economic interests of any particular Province. Nor do I want it. What I aim at is some general provision for the safeguarding of the interests of a Province as against undue interference or exploitation by any other Province. I therefore propose the setting up of a standing Inter-Provincial Commission under the constitution to investigate all causes of conflict and recommend measures for relief to the Federal Government. The necessity of setting up the Commission under a constitutional guarantee arises from the fact that in that case it will not be with the Federal Government to evade or ignore the

issues under pressure from any of the provincial interests when in conflict with those of any other especially if the former are strong and powerful as compared with the latter It is not unlikely, and is in fact conceivable, that the Federal Legislature may happen to be dominated by the representation of two or more Provinces and may refuse to entertain the grievances of any particular Province in respect of any legislation or any administrative measure It may even refuse to set up a Board of Enquiry if it was optional for it to do so in the interests of those Provinces If on the other hand, an Inter Provincial Commission be established under the constitution on the lines of the Tariff Board or the Railway Rates Tribunal with extensive powers of investigation but with advisory functions it would have the advantage of directing public opinion to the existence of genuine grievances with the consequent necessity of removing them together with the advantage that its decisions will evoke no suspicion or resentment on the part of any Province, and at the same time since it will only have advisory powers the authority of the Federal Legislature, or of the Provincial Legislature as the case may be, acting in their specific jurisdictions, will not be impaired This last point is to be carefully borne in mind since many of the decisions of the Commission would involve the taking of steps which it would be competent for the appropriate Legislature alone to take Otherwise Central Responsibility or Provincial Autonomy would be reduced to nullity An Inter Provincial Commission may be a small body of three or four persons of acknowledged probity as members with a Chairman enjoying the status of a High Court Judge assisted if necessary by one or more assessors The Commission will report their recommendations to the Federal Prime Minister or the Provincial Chief Minister, as the case may be who will place them before the Federal Legislature or the Provincial Legislature for necessary action

In order to provide against the presentation of any frivolous grievance to the Commission by a snap vote it may be further laid down that the resolution for the reference of any matter for the decision of the Commission must be supported either by an absolute majority of votes in the Legislature or even by a higher majority so that it will only be matters on which a Province might feel keenly that a decision of the Commission would be sought Such a provision would thus meet effectively the charge of provincial narrowness and that may be advanced against the theory of inter provincial safeguards

This is only one of the suggestions put forward and I am aware that other alternative suggestions may be made Federation implies a Supreme Court, and a Committee of the Supreme Court may with the help of assessors decide the cases instead of a separate Commission I realise however and I repeat that the best safeguard for the interests of any Province is the growth of a strong and healthy public opinion reflecting upon public policy from a broad and catholic standpoint My object is to bring to the notice of the Delegates of the Round Table Conference the worsening plight of the people of Bengal in the economic struggle and provide some means for relief in so far as that plight is due to the operation of economic forces detrimental to the interests of the Province I hope I will get their full support for the proposal which I have formulated particularly as it does not injure the interests of any Province in the future constitution of India

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ANNEXURE 14

MEMORANDUM REGARDING THE POSITION OF ASSAM.

By Srijut Chandradhar Barooah

Communal Problem and the Minorities Agreement Document

There is no communal problem in Assam Practically we have only two communities, the Hindus and the Muhammadans We have no Depressed Classes, and the small number of the people who belong to the lower castes

in the case of others it is too premature to think of it. The people of the plains urge that no part of the hill areas should be separated from the Province for which there are historical, economical, linguistic, racial and other weighty reasons. The Government of Assam, therefore, propose to include the advanced portions of these areas in the new constitution and leave the backward portions, *viz.*:—the Naga and the Lushai Hills, to be administered by the Governor under the control of the Governor-General. In their letter of July, 1931, to the Government of India, the Assam Government rightly observed—" the solution must of course provide not only for the protection of the plains from molestation, but, on the one hand for a guarantee to the people of Assam of their legitimate claim on the natural resources *and freedom of trade, and on the other*, for due regard to the interests of the aboriginal inhabitants. . . . The Province of Assam should still be able to have its share in such mineral wealth as may be discovered in the hills." I beg to support this proposal of the Government of Assam and to share these views. But I beg to add that an earnest attempt should be made to befit these backward tracts for full representative Government and they should be included in the Constitution of Assam as soon as they are tolerably advanced. I also add that in the meantime " the interest of the aboriginal inhabitants " and " the legitimate claims " of the people of Assam on the " resources " and the " mineral wealth " of these hills should be scrupulously guarded.

Central Government and Provincial Autonomy.

The people of Assam are unanimous in their demand for responsibility in the Central Government, and for full autonomy for their Province. They are of opinion that it is idle to speak about the freedom of India, so long as the Government of India is not responsible to the chosen representatives of the people. *As for provincial autonomy, no other Province has a better* claim to it than Assam. We were an independent people not very long ago. There are no communal troubles in Assam. The relations between the Hindus and the Muhammadans have nowhere been more satisfactory. In social matters, we are much ahead of many of the advanced Provinces in India. In education, Assam is one of the foremost Provinces in British India. And lastly the Reforms of 1919 have nowhere been more successfully worked than in Assam. I therefore beg to submit that nothing less than a first class autonomous government will satisfy the people of my Province.

Committees and Commissions.

Lastly, I beg to ask that the Boundary, the Franchise and the other Committees or Commissions that may hereafter be appointed may contain a full representation of the Province of Assam.

November 16th, 1931.

ANNEXURE 15.

Memorandum on the communal problem in Bengal.

By Mr. J. N. Basu.

The Hindus constitute nearly 44 per cent. of the population of Bengal. In addition, 2 per cent. of the population (including a small fraction of such proportion consisting of Anglo-Indians, whose home is in India, and of Europeans ont permanently settled in India) consist of Jains, Buddhists, and people of primitive faiths who are closely akin to Hindus, and are now placed on a common electoral roll with the Hindus.

Apart from widespread education amongst the Hindus and the very important position they have occupied for centuries in the organisation of credit both for internal and external business and trade, in the conduct of such trade and in the distribution of commodities, in the organisation and management with a few exceptions of nearly all non state institutions for education and other objects of public welfare (of which there is a very large number, far exceeding the number of State Institutions) the importance of the Hindus in Bengal was recognised when the Lucknow Communal Pact was arrived at in 1917 after protracted discussions by accredited representatives both Hindu and Muslim of the most important organisations in India political and communal The Lucknow Pact, by willing assent of both communities allowed to the Hindu Community of Bengal 60 per cent of the elected seats in the Provincial Legislature

The Governments of England and India adjusted the Communal question under the Government of India Act, 1919, on the basis of the Lucknow Pact

The conditions of life in Bengal do not require a further accentuation of the communal cleavage in the electorates and in the Legislatures as a change in that direction is likely to affect seriously whatever progressive tendencies there are in the administration in matters of general welfare and in the conduct of trade internal and external

The entire Hindu community of Bengal is convinced that there is no justification for the establishment in Bengal of communal electorates and of reservation of seats for a majority community Such a system is not only unjust to the minorities but experience shows that it is uncalled for Amongst the various considerations which make reservation of seats and separate communal electorates for a majority community undesirable attention is invited to the following points —

1 In Bengal local bodies consist mostly of elected members There are no communal electorates or reservation of seats in any of the very large number of local bodies in Bengal except the Municipal Corporation of Calcutta In localities where the land owning classes the traders and money lenders are mostly Hindus and the electors are mostly Muslims recent elections have shown that the majority of elected representatives on local bodies has consisted of Muslims

2 The division of the electorate into separate compartments according to creeds, with the right to each compartment to send communal representatives has led to the formation in the Legislature of Bengal of communal parties, and not of parties constituted on the basis of policies of general public welfare This has seriously impeded the progress of the Province since the establishment of communal selectorates and communal representation The Ministers in the Departments, in which the responsibility rests with the Legislature, are attached to communal groups Measures emanating from Ministers, belonging to communal parties have been received with suspicion and have been opposed on account of distrust generated by the present grouping of parties due to separate communal electorates sending communal representatives

3 By a majority community being limited to sending to a Legislature its separate representatives, the minorities however important they may be, are deprived of the privilege of requiring such representatives to consider and support the minority point of view It is almost an incitement to religious strife when a candidate for election to the Legislatures has to base his appeal to the voters not on a policy of general welfare but on a policy of communal exclusiveness and aggrandisement A system of communal electorates deprives the country of some of the best workers who naturally object to basing their political action on differences in the personal religious faith of individuals and communities It should be remembered that the State

ANNEXURE 16

MEMORANDUM ON THE MINORITIES QUESTION

By Sir Prabhashankar Pattani

There is a sense in which the question of safeguards for minorities under the proposed new constitution has attracted an excessive amount of attention. Far too much has been heard of differences on details of minor importance and too little of the broad general principles which must be applied if there is to be any satisfactory solution of this perplexing problem. Hence, I feel called upon as a member of the Round Table Conference to indicate the principles which, in my view, may be followed with advantage in reaching conclusions on the subject.

A primary consideration is that humanity is above nationality and nationality above community. A nation must make a national sacrifice if it is needed in the interest of humanity. That is the principle on which the League of Nations is founded.

Similarly, a community must make a communal sacrifice if this is asked in a reasonable spirit in the larger interest of a country. A divided nation is no nation just as a divided community is no community. If India claims to be a nation suited to rule her own destiny she will have first to evolve her nationhood. No section among us disputes the broad conclusion that our several communities will have to merge themselves into the Indian nation. The fact is that all Indians—Hindus, Muhammadans, Sikhs, etc.—must be Indians first and communalists afterwards. Politically, we must be only one Indian community. Socially we may have our separate clubs, religiously, we may have our distinct faiths, culturally we may still hold on to our time worn ideas. But in the conditions of to-day we must breathe the air that is all about us. India is not going to have an atmosphere all her own in disregard of the democratic atmosphere of our time. Those who wish to live as human beings unenslaved by others will have to keep pace with the progress of the human mind. There is no place to-day for the really conservative Brahmin, equally no Mussulman can retain the idea that all are Kafirs who do not follow the teaching of the Kuran. The most orthodox upholders of their faith have to recognize that their different deities are only different names for the one Creator that hidden under different colours of skin and myriad names we are all human beings.

In this spirit all sections of India will have to work together if they are to taste the fruits of independence. To be independent one has first to acknowledge the independence of others. The man who would control others is only forging fetters for himself. It must be remembered that a community that wishes to get the better of other communities s on ones to be divided into sub-communities for at the root of all communal tr le is self interest and that spirit will spread from the community to the individuals composing it. While self interest divides the spirit of renunciation unites. Those who give up share. Those that keep and monopolise create opposition, a fight ensues which results in loss to both sides.

Who then should make the first move towards reconciliation? The present day perverted idea is that the weak should go begging to the strong. That is not the way to peace. A grant grudgingly or unavoidably bestowed never reconciles, it only leaves a scar to be remembered and resented. For a true reconciliation the strong should of their own accord propose generous terms to the smaller party. A sacrifice so made in securing friendship which is dear is no sacrifice in reality. Human comradeship is a possession which should be prized higher than any temporal sacrifices made in securing it. The Hindus, therefore, being the majority party, must first make approaches to the Muhammadans. To-day the Hindus are politically divided into many sub-communities. It was not so until recent years. The Muslims ruled our country for 800 years without communalism, as is shown by the fact that over 70 per cent of the population is Hindu

To-day, the obtainment of control of affairs by a community arises from the expectation of pushing forward communal interests, with the result that the subcastes wish to share the spoil. In trying to share by communal division they injure the commonwealth. Only an interest that can be obtained by common effort can be shared in common. In the endeavour to divide it into different portions we may lose its realisation as a whole.

A majority community should therefore first be united amongst themselves and then offer to the other communities a substantial share in the nationhood of India. A nation has its responsibilities as well as its rights. Rights are privileges; responsibilities are the price paid for them. The responsibilities and rights should counter-balance. The Mussulmans should have a fair share of both. Let them make their claim and then examine where the demands are exorbitant and where fair. Give them what is fair—or even a little more than what is fair, and resist the unfair. The price of peace has to be given. The majority can always afford to be generous. A sense of gratitude is a better bond than the reception of concrete benefits.

Politics is a vague science, but it is a vast one. It pertains to every activity of human existence. Domestic affairs are domestic politics, all economic questions are a part of political economy. Everything that is indeterminate connected with human affairs is politics. Therefore, the main function of organised society, which is the consummation of the happy living together of mankind, is given the name of "politics." The government of peoples is not an easy task, for people are a conglomeration of temperaments, and to devise a system of rule that will satisfy every member of the society is an impossible task. For a nation or a community to live fairly well together, they will have to achieve a common mentality. For a country to be successful in self-rule, a common political mentality higher than any individual mentality must develop. The collective mentality, if formed on the appreciation of the common good of the people as a whole, makes for a state of peace. This results in acquiescence in the formation of a constitution by which every individual in the higher interest of all will adapt his outlook to the common mind of the populace. India, to have a peaceful existence, freed from subordination to an alien power, will have to develop such a common political mentality. This pre-supposes a common alacrity for sacrifice. If, therefore, the communal differences are to be adjusted, all parties must be prepared to make reasonable sacrifices. Let us now examine what these sacrifices should be.

The most difficult problem is that of Hindu-Muslim relations. A good code of law and order, a constitution that will work without friction, the necessary measures of defence, freedom of individual vocation, non-interference with religious conscience—these and such other matters that are indisputably for the general welfare together, can be well provided for without the Hindu or Muslim having to make any real self-sacrifice.

If for nothing else, simply for the purpose of removing the fear, whether rightly or wrongly entertained, from the minds of the minority community, the majority community will have to accept some such solution.

Having proposed a constitution on these lines, we must consider in more detail in what special measure minority communities may desire to be specially protected from dominance by a majority community.

(a) The Law Courts to do equal justice to all, irrespective of community. Law is no respecter of persons.

(b) The army to defend the country.

(c) Each man to be free to follow what calling or profession he desires.

(d) Every man to be free to worship according to his conscience.

(e) Taxes to apply to all communities without discrimination.

(f) Medical relief and educational facilities to be open to all citizens.

(g) Equal opportunities of public service and state benefit to be guaranteed

(h) Social customs and the respective culture of communities not to be interfered with by other communities

These and such other principles are at the root of all democratic constitutions But it is one thing to lay down principles and quite another for them to be worked up to in practice Democracy is majority rule. Democracy decides by majority votes and, therefore, decisions may disregard even accepted principles It is necessary, therefore, that fair treatment should be ensured to minorities on lines I now suggest

(1) In any Bill bearing on a matter of religion or custom, a community by a two thirds majority may claim and obtain exemption from the application of the Bill When such minority community exercises the right it should not have the power to continue to take part in discussion of, or vote on, the measure

(2) The Muhammadan community will have reserved for them one-third of the seats in the Central Legislature

(3) The elections will be by joint electorate This will promote better knowledge and appreciation of each other by the two communities

(4) The provision of reserved seats should not be laid down in the constitution but should be agreed to between the two communities by way of a convention The Hindus should bind themselves to see that the result of the Muhammadan elections bear out the agreed proportion If the required number of Muhammadans are not returned the Hindus with the least votes will make room for the Muhammadans to the extent of their agreed number Under this arrangement the majority community will awake to the necessity of meeting their Muhammadan brethern in a spirit of compromise. Failing an automatic adjustment of the elections in the right proportion provision should be made for a stipulation to the same effect to be added to the constitution after an interval of five years from its inauguration This is the effective way to turn the two communities into a democratic frame of mind The responsibility placed on the Hindus by this scheme is great The Muhammadans are only asked to trust the majority party The majority party on the other hand will be on its trial as to the sincerity of its intentions in this regard If it fails to keep its engagement a constitutional provision in favour of the Muhammadans should be made

(5) This reservations of seats for the Muhammadans need not preclude them from standing for other seats, and eventually if the Hindus accept the right kind of Muhammadan patriots it is possible to hope that reservation of communal seats may disappear entirely At the same time it would be well if the Muhammadans can be persuaded to allow facilities for the election of some non Muhammadans for Muhammadan reserved seats After all the Muhammadan is not elected because he is a Muslim but because of his advocacy of the Muhammadan interest The same principle would apply to a Muhammadan standing for a non Muhammadan seat, or to a Hindu standing for a Muslim seat The great object in view is to bring the two communities so close together politically that out of this contact there may arise a mutual trust which may bring about a common Indian nationality free from all religious or communal aloofness

(6) The public services will go by merit Competitive examinations should be introduced for every branch of service, using that term in a wide sense to include civil services subordinate departmental services, municipal and local board appointments, engineering medical and military services All communities must compete for them and the posts will go by the number of marks

(7) It must be admitted, however, that a backward community with limited resources for the education of its members cannot compete on equal terms with communities possessing ampler resources and better *equipped* by the fact of their past constant use of educational and other developing facilities. Backward communities must, therefore, be provided with wider and more special facilities for education. This can be done by larger grant to their school where they are at any disadvantage, stipends for higher education, scholarships for special branches of education such as medical, electrical, and engineering courses, etc.

(8) Yet in spite of the facilities mentioned in (7) above, the backward community candidates may fail to enter the service in proportion to their number in the population and naturally they would prefer to have some special provision made at least for the first few years. It may therefore, be provided that a certain percentage in the service be fixed for the minority community. But to deserve appointment the candidate must have passed the competitive examination required for that service, although he may not have obtained sufficiently high marks to bring him amongst the successful candidates. For example, suppose there are twenty vacancies in a department, and the percentage fixed for the minority community is one-third (viz. 6) and that amongst the first twenty of highest marks there are only three Muhammadans. The remaining three should then be taken from Muhammadan candidates next below the successful candidates. It should at the same time be provided in the interest of efficiency, that no candidate who has failed to secure at least one-third of the total number of marks or such other total as may be fixed by a Public Service Commission should be considered fit for appointment. Thus will be ensured (1) a proper representation in the service of the minority community and (2) efficiency of the service. On the latter depends the good government of the country and surely the interests of the country as a whole must have precedence over the interest of any individual community.

All outstanding needs of a community can thus be met by special concessions; but so far as possible, these concessions should be temporary. I do not mean thereby that the community for whom these concessions are made is to be deprived of them at the end of a fixed period, but that methods should be devised to raise the community within a fixed period to come up to the standard of equipment and efficiency of the majority community. The process should be that of levelling up the backward, not of levelling down the advanced, communities.

It should be clearly understood that a caste or sub-section is not taken in anything I have written as a community. The Hindu community, for example, comprises many castes—Brahmins, Banias, non-Brahmins, Untouchables, etc. Castes and sub-sections are the bane of India. Most English writers have denounced the caste system and yet curiously enough, the Simon Commission wished in effect, by the method of separate electorates, to perpetuate politically in the constitution the caste system! The facts, no doubt, have to be faced but the measures devised for that purpose should be such as to mould facts into harmony and not to perpetuate objectionable features, thereby aggravating difficulties in the way of welding together an undivided nation, which alone can make for successful democratic government. By all means provide for the partially developed communities, but let the provision be such as will raise them to the stature of grown-up communities, and not such as would keep them for ever in the position of mere infants.

Neither do religions always make communities. The Hindu conglomeration is all-embracing. The Vaishnavites, Shaivites, the Shaktas, the Jains have varied religious conceptions, but are all classed as Hindus. The political mentality of the Hindu of these and other sub-sections is identical.

These elements n the r own intere t and in the greater nterest of the co ntry wou d do we l to comb ne to make one a l-embra ng H ndu com mun ty for nat onal purposes

The Mu l ms a e a d st nct people The r rel g on culture customs temperament outlook o l te and outlook on self and others is d fferent from that ot he H ndu Tl us the H ndu and h s nat o al b other the M ussulman are d nct ommun t es It follo s that they w ll l a e o make rec proca on ess ons to on e to_ether for nat onal ends I l a e m de n th s paper suggest ons for su h a *rapprocl ement* Any constru t ve cr t c sm of th s s heme and alternati e su gest ons on these l nes w ll be we ome for m a m s to find a way of a ommodat on and peace n pu su t of the g eat d al o the e entual un fi at on of the Ind an people

The forego n_ propo als app y to the Central Government Const tut o Tl e follo ng ar ny su _e t ons for meet ng the cla ms of m nor t es n re pect to the Pr v nces —

(*a*) I eser ed seats n prop or on to populat on

(*b*) Compet t ve exam nat ons for serv ces w h provis ons m lar to those n tl e Central Go ernment

(*c*) Representat on n s rv ces n proport on to populat on

(*d*) A n ajor ty ommun ty c nnot rea onab y la m reserved seats for t has the means of secur ng at least ts requ ite number

(*e*) The fight bet een the sub commun t e of the ma n com nun ty is not a nat onal fight and sl ould not be prov ded for n the const tut on

As the H ndu rel gion s one and yet the cas es are many so i the M hammadan rel g on one and yet there are many tr be among the Musl ms—Sh as Sunn s Borahs l athans Memon I hojas etc It s con e vable that these several denom nat ons nay on the analogy of the H ndus separat sts of recent gro vth ask for separate ele torate It behoves the H ndus to v pe out the exclus ve att tude of caste and t equal y behoves the Muhammadans to ask on y for temporary concess ons h h should automa cally d appear w th the gro th of true nat ona ty

The rel ou d st nct ons w l e na n a certa n nd dual tv n cu ture and customs w ll pers st and d fferen es of temperament w ll cont nue Yet there s no reason why the two g at commun ties of Ind a shou d not br ng a common purpo e to the affa rs of the country as a wl ole Ind a cannot stand outs de the vorld of to-day for good or ev l the world s n the gr p of democra y and Ind a cannot be a e cept on I may b that d ctatorsh p w ll f ow as t h s under ar ous d sgu ses n son e countr es of the West But our present con ern s w th the eld at large on tl e co mon platform of democrat c pr nc ple

Tl e Mul ammadans th nk
Tl e H ndus mu t make a
radeship wh l m y promote
that alone can n ake for
in n al to such a h nce t wo ll be better to refuse to come to term and s ffe t e con equen es of rupture for tl at n ht nduce tl e M l am d ns to realize *at a later stage t least t e d advantage of a d r ded lo se* Afte all Muh nmad al s t ll u that the sl are tl H nd l s e for a se f governed Ind a

D fficult e are to be n et onfronted and o er o e Tl ev hould not be u ed as an e u e for keep ng In l from the path of ad n em nt In s arch for a t po ry o n o ntary lvanta e one n y lo e the sub t n e It s better to wa t and lope than to surr nd r a pr c ple and a cept a do btful ben ht H gatl e s r fr t lo a t for tl e sea on

No ember 9th 1931

ANNEXURE 17.

MEMORANDUM ON HEADS OF DISCUSSION, NOS. V, VI, VII, AND VIII.

By Sir Prabhashankar Pattani.

HEAD V.

THE MINISTRY AND ITS RELATIONS WITH THE LEGISLATURE.

(i) *Proceeding on the basis (see paragraph 9 of this sub-Committee's Second Report). that Executive power and authority will rest in the Crown represented by the Governor-General, how are the Governor-General's Ministers to be appointed? Is there necessarily to be a Prime Minister, and if so, is the selection and appointment of the other Ministers to be made invariably, and as a constitutional necessity, through him?*

The Executive Power and authority will rest in the Crown represented by the Governor-General. There will be a Ministry to advise the Governor-General, headed by the Prime Minister, through whom other Ministers will be appointed by the Governor-General as a constitutional necessity.

(ii) *What is to be the number of the Federal Ministers, or if no number is to be prescribed by the constitution, by what authority is the number in practice to be determined and modified?*

Ordinarily, there should be no number of the Federal Ministry prescribed by the constitution; but as we are now starting with a new constitution, it would be well to lay down the number as necessitated by the convenient grouping of subjects within the orbit of Federal functions. The list of subjects provisionally drawn up last year would suggest the following portfolios:—

(1) Army and Foreign Relations.

(2) Finance.

(3) Commerce and Industry (including Communications).

(4) Law (including Legislative Department).

(5) General Departments.

The number of Federal Ministers may be modified in the light of future needs, and the authority for additions and alterations will ordinarily be the Ministry, guided as it should be by the Legislature that will have to sanction the cost of the same.

(iii) *Is provision to be made for the representation in the Council of Ministers of:—*

(a) *the States and British India respectively, and/or*

(b) *of different classes, communities or interests; if so, of what classes, communities or interests?*

The constitution should make no provision of a distinguishing character, for the purpose of inclusion in the Federal Ministry, of the representatives of particular interests—the States, British India, or any classes or communities, as the insertion of any such statutory clause, apart from the impracticability of satisfying all varieties of separate interests as at present known, will make little for the unity, vigour and cohesion—so essential in all Executive Bodies. In practice, however, as every formation of the Ministry will be based on the administrative talents of the respective Members of the Ministry as well as on their qualities of leadership as illustrated in the following they can command in the Legislature, the majority at the Head of Government at any time will include in the Ministry a sufficient representation of interests harmonizing with the policy of the day. It is only by this means that the country can move healthily in the direction of democratic national government, as distinguished from government of stereotyped interests and communities.

(iv) *If there are to be such representative Ministers, are their respective numbers to be prescribed either in the constitution itself or by instructions to the Governor-General?*

This question does not arise in view of the opinion expressed in (iii) above

(v) (a) *In what sense are Ministers to be responsible to the Legislature?*
(b) *Is this responsibility to be collective? And if so,*
(c) *Is such collective responsibility to be recognised and expressed in the constitution?*

(a) Ministers will be responsible to the Legislature in the same way as at Westminster subject to the provision of a no confidence vote as detailed in Section 7 (l) below Fundamentally they owe their existence in office to the support of the majority of the Legislature The relationship between the Ministry and the Legislature is of a reciprocal character The Ministers will guide the Legislature and will in turn allow themselves to be guided by the sense of the Legislature From their position of authority and intimate knowledge of the working of the machinery of Government they will give a lead to the country and their day to day contact with the Legislature will enable them to appreciate how far the Legislature can respond to their measures

[illegible] to be [illegible] nized [illegible] the [illegible] will make for unity and steady enforcement of policy Collective responsibility also involves collective fall and it is the recognition of this fact that lends stability to the Ministry for collective dismissal of the Ministry is not likely to be lightly conceived by the Legislature It is easy to break an individual Minister, it is not so easy to defeat a whole Ministry

(vi) *What is to be the relationship of the persons appointed by the Governor General to assist him in the administration of the "reserved" portfolios to—*

(a) *the legislature?—Are they e g to be or become members of one or other Chamber with the usual rights as such to speak and vote or are they merely to have the right to speak in either Chamber but no power to vote?*

(b) *The Council of Ministers?—Are they e g to attend all Meetings of Ministers or only when directed to do so by the Governor General?*

(a) The relationship of the persons appointed by the Governor-General to assist him in the administration of the Reserved portfolios to the Legislature will be similar to the relationship of any other Ministers that is they will have the usual right as Members of either House to speak and vote

(b) There should be no separate Council of Ministers of "Reserved Departments as distinct from other Ministers of the Cabinet They will be in charge of the special "Reserved" portfolios but they will attend all meetings of the Cabinet Similarly the whole Cabinet will have an advisory voice in the consideration of matters connected with the "Reserved" Departments the final decision of which may however lie with the Governor-General The coalescing of the two parts of the administration will be the toughest problem of the Federal Government the solution of which can be had only in the frequent coming together for consultation of all Ministers—"Reserved" and others—under the Presidency of the Prime Minister as is the case in any unitary Cabinet Routine matters will of course be dealt with by the Member in charge of each Department

(vii) *Could the constitution itself as distinct from constitutional usage and practice appropriately purport to prescribe and define—*

(a) *The circumstances in which a Ministry is to be held to retain or to have lost the confidence of the Legislature and in which it is justified or not justified in retaining office?*

(b) The circumstances in which "in the interests of stability an adverse vote should not . . . necessarily involve the resignation of a Ministry" (Second Report of Federal Structure sub-Committee—Section 25)—having regard to the fact that in general, in Parliamentary systems of Government an adverse vote does not necessarily involve a Ministry's resignation?

(c) Whether or not a Ministry would be justified in retaining office if on any given matter they are accorded the support of one Chamber but denied that of the other?

(a) This must be left to the discretion of the Ministry, and the Ministry in special circumstances may do well to be guided by the Governor-General.

(b) An adverse vote should not necessarily involve the resignation of a Ministry The constitution should provide for a distinct clause to the effect that a direct vote of no-confidence in the Ministry alone will force the resignation of the Ministry. It must be recognised at the same time that although the requisite percentage of votes in favour of a no-confidence motion may not be available frequent adverse votes by bare majority should induce resignation because of the fact that constant hindrances may vitiate the smooth working of the Government and it would be in the interest both of the country and the Ministry that there should be a change Where a Ministry insists upon remaining in power in spite of constant defeats, the Governor-General will have the power, under the Instrument of Instructions, to advise the Ministry to resign or to dissolve the House on the advice of the Prime Minister as circumstances may demand

(c) In the circumstance, the vote of a joint session of both Houses should be invited, and in the event of a direct vote of censure not maturing, the question whether or not a Ministry would be justified in retaining office, if on any given matter the joint session refuses to support the Ministry, should be left to the Cabinet as detailed in (b) above

(viii) *Would stability be secured in practice by an express provision in the constitution that a vote of no-confidence in the Ministry is not effective unless it is carried by a vote of not less than two-thirds (or some other arbitrarily fixed proportion) of the members present and voting (or of the total membership of one or both Chambers)?*

Yes Stability will be ensured if it is provided that a vote of no-confidence in the Ministry will not be effective unless it is carried by a vote of not less than two-thirds of the Members of the Legislature present both houses voting together

(ix) *Is it possible to secure, without impairing the unity of the Legislature the expressed desire of the States that their representatives should take no part in the discussion of British-Indian affairs?*

If so, would this be satisfactorily effected by providing in the constitution that all purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives or to a standing committee of them?

Would it be possible to exclude the representatives of the States from voting on any such British-Indian matter which the Ministry, having experienced or anticipating an adverse decision from the British-Indian representatives decided to bring before the Legislature as a whole as a matter of confidence?

Yes The express desire of the States that their representatives should take no part in the discussion of British-Indian affairs should be expressly provided for in the constitution Interference in the internal affairs of the States could only be prevented thus All purely British-Indian matters should stand referred to a Committee consisting of all the British-Indian representatives This provision will apply to both the Chambers The representatives of the States cannot however, be excluded from voting when a direct motion of no-confidence is to be brought forward for the reason that they have an influence in the formation of the Ministry; but they should not take part in matters of exclusively British-Indian concern on

the anticipation that from the discussion may arise the question of want of confidence The "no-confidence" resolution should be a definite motion, separately brought forward

Head VI

Distribution of Legislative Powers between the Federal and Provincial Legislatures effect in the States of Legislation relating to Federal Subjects

(i) *Is the constitution to declare in terms that the legislative powers of the Federal Legislature and of the Provincial Legislature are confined respectively to the spheres of Federal (and Central) subjects and Provincial subjects?*

> (*Note Under the present Government of India Act it will be remembered the combined effect of Sections 65, and 80a may be broadly stated as being that there is no statutory distinction between the extent of the legislative power of the Central Legislature and the Legislature of a Province except that the competence of the latter does not extend beyond the provincial boundaries While therefore, there are provisions* designed to ensure that without the previous assent of the Governor General neither body shall invade the sphere assigned to the other by the allocation of subjects under the Devolution Rules the position remains as it was before the Act of 1919, that no Act passed by either is challengeable on the ground that it could be validly enacted only by the other An affirmative answer to this question would therefore alter this position*)

Yes

Note The autonomy of Provinces postulates this distinction If a case arises wherein the respective authority of one or the other is in doubt the Federal Government will in the first instance decide whether the sphere of influence in regard to that particular matter is Federal or Provincial provided that the Province will have the option of taking the matter to the Federal Court if it so desired The distinction becomes all the more necessary because of the nature of sovereign autonomy of the Indian States

(ii) *Where are the residual legislative powers to lie?*

The residual legislative powers should lie with the Federal Government in regard to Provinces but not with regard to the Indian States The Provinces so far have been under the control of the Unitary Central Government who will under the new constitution release certain powers in favour of the Provinces The Provinces, in a way, would be grantees and cannot therefore claim residual powers In the case of the States it is the States that delegate certain specified authority to the Crown only for the specific purpose of bringing about federation and being the reservoir of inherent internal sovereignty they are entitled to retain all the residual powers

(iii) *Is it to be taken as accepted doctrine that "it is of the essence of a federal constitution that the enactments of the Federal Legislature acting within its legal scope should have full force and effect throughout all units comprised in the Federation" (First Report of Federal Structure sub Committee, Section 8) and that consequently Acts of the Federal Legislature relating to Federal Subjects will apply proprio vigore to the territory of the States' Members of the Federation in the same way and to the same extent as they will apply to the Provinces?*

Yes Enactments of the Federal Legislature acting within its legal scope should ordinarily have full force and effect throughout all units comprising the federation This will apply to the Provinces without doubt In the case of the States however, if they show reluctance in the matter, the remedy is for them to adopt the federal laws as their own without any

* Section 67 (2), Clauses (i), (ii), and (iii)

modification, so that there may be no dissimilarity in the application of Federal Legislation.

(iv) *Even if the answer to question (i) is in general in the affirmative, are the Federal and Provincial Legislatures to retain in any respect concurrent powers of Legislation? If so, in what respects or in relation to what subjects (or aspects of subjects)?*

Yes: the concurrent powers of legislation will chiefly be in relation to:—

(1) Subjects on which it is constitutionally valid for both legislatures to pass Laws, *e.g.*, Laws relating to bankruptcy, property, civil and criminal law procedure—or provincial trade, traffic and communications.

(2) Matters of a social or "welfare" nature which, although provincial, have an all-India importance requiring Federal legislation, *e.g.*, marriage laws, prohibition of intoxicants, conditions of labour classes in relation to housing, insurance, etc.

(v) *If on any matter there are to be concurrent powers are federal laws to prevail over provincial laws on the same subject?*

Yes.

(vi) *Is the question of* ultra vires *legislation to be left exclusively to the Courts, or is any machinery practicable which would prevent the question of* ultra vires *arising or of restricting inconvenience when it does arise* [cf. *Government of India Act, Section 84 (2) last eight lines*].

The question of *ultra vires* legislation should be left exclusively to the Courts; but it may be agreed that the Federal Government with regard to Federal Legislation, and the Central Government with regard to Central Legislation, may, in the first instance, decide any question of this nature, leaving always to the other party concerned freedom to take the case to the Courts.

HEAD VII.

ADMINISTRATIVE RELATIONS BETWEEN THE FEDERAL GOVERNMENT, THE STATES, AND THE PROVINCES.

(i) *In relation to Federal Subjects, what precisely is to be the range of of administrative authority exercisable by the Federal Government over the units of the Federation?*

The range of administrative authority exercisable by the Federal Government over the units of the federation in relation to federal subjects should be full, but it is suggested that in the interest of smooth and frictionless working, the units may exercise this authority as agents of the Federal Government.

(ii) *In relation to Federal Subjects, is any distinction to be drawn between the extent of the authority exercisable by the Federal Government over the Provincial Governments on the one hand and the States Governments on the other?*

If it is intended that the Federal Government, by a direct machinery, will exercise authority in relation to federal subjects in the Provinces, the States would insist that they should be left to exercise this authority themselves as agents of the Federal Government. They may not object to a proviso that the Federal Government *may detail an officer to exercise that* authority in a State that may fail to carry out this administrative obligation. The question whether a particular State has failed in its obligation should be left to the Federal Court.

(iii) *In relation to Central Subjects, is the authority exercisable by the Federal Government over Provincial Government to be the same in extent and character as that exercisable over the Provinces in relation to Federal Subjects?*

Yes.

[illegible] the Federal Government to be the administration [illegible] what subjects or

So far as possible there should be no supervision and control by the Federal Government in relation to Provincial subjects. In relation to the internal affairs of the States the Federal Government will have nothing to do. The question of supervision or control should really arise only in cases of inter provincial differences.

Head VIII

The Federal Court

(i) Should members of the Federal Court be appointed by the Crown and on what tenure?

All judges will be appointed by the Governor General on the advice of the Executive Council.

Judges will be appointed without limit of time and will not be removable before the retiring age except by resolution of both houses and that only on charges.

(ii) Should the Court have an original and an appellate jurisdiction or only an appellate?

Only Appellate Jurisdiction.

(iii) Should the Court have an exclusive original jurisdiction e g in the following matters (non justiciable matters being excluded)

(a) disputes between the Federation and a State or a Province in any matter involving the interpretation of the constitution

(b) disputes between two States two Provinces or a State and a Province in any matter involving the interpretation of the constitution

(c) the interpretation of agreements between the Federal Government and a State or a Province or between two States or two Provinces or between a State and a Province and any question arising thereunder

Yes in regard to (a) (b) and (c).

(iv) Should the Court have an exclusive appellate jurisdiction from State Courts and Provincial High Courts e g in any matter involving the interpretation of the constitution

Yes—in any matter involving the interpretation of the constitution.

(v) Should provision be made for special references by the Governor General to the Court as under Section 4 of the Judicial Committee Act 1833?

Yes.

(vi) Should there be a right of appeal from the Federal Court to the Privy Council as of right or by leave of the Court the right of the Crown to grant special leave to appeal to be preserved in all cases?

(vii) What provision should be made for the enforcement of the judgments of the Courts in the States and in the Provinces respectively?

No appeal to the Privy Council but the right of the Crown to grant special leave to appeal to be preserved in all cases. In case of failure of enforcement of the judgments of the Courts in the States and in the Provinces respectively the Federal Government will take measures to enforce them. The question whether or not there has been a failure [illegible] on [illegible] the matter will be within the competence of the Federal Court.

ANNEXURE 18.

NOTE ON THE POSITION OF THE SO-CALLED SMALLER STATES.

By the Raja of Korea.

The so-called smaller States have a feeling of genuine apprehension that in the Federal Houses of small sizes their interests may not receive adequate and legitimate insurance because of their meagre strength in them. In regard to the Upper House where a variety of indefinite factors will govern the question of the apportionment of seats between the States they feel that a small House will not afford them sufficient scope for their proper representation. The paucity of seats and the priority of the claims of the bigger princes will hardly make it possible for them to have such a numerical strength as they may be entitled to in consideration of their resources and general importance. This anxiety is not so actuate in the case of the Lower House, where a definite principle of representation has been agreed upon, namely, population. Nevertheless, a larger Lower House than 350 would also be a necessity if the various interests comprising the so-called lesser States' groups are to receive their fair representation, and also for maintaining the requisite balance in the relative strength of the two Houses, when the Upper House is enlarged.

In view of the difficulty in the distribution of seats in a small House, a claim has been made by H. H. the Chief Sahib of Sangli, for 150 seats for the States' representation in the Upper House, and I entirely associate myself with it. The difficulty of making adequate provision for special constituencies in small Houses has also been realised by some of the British Indian delegates, and they too have similarly urged the necessity and desirability of having comparatively larger Houses.

Allotment of 125 seats for all the States will hardly meet the requirements of the situation, much less will the provision of 100 seats as suggested by some. This figure of 125 has been conceived under the belief that the model of the constitution of the Chamber of Princes will also prove suitable and acceptable to all concerned in the framing of the structure of the Upper Federal House. It is sought to provide 109 seats to the permanent members who have at present direct representation in their own right, and 12 to the five groups in the second class who are represented through representative members, and 4 to the third class group comprising estates and jagirs who have at present no representation whatsoever.

It may be submitted here that the constitution of the Chamber of Princes does not appear to be founded on a just and equitable basis so far as the claim of the first few big States and some of the second class States are concerned. As a result of the existence of this improper classification some of the bigger States have persistently disassociated themselves from the Chamber, and the smaller States have also been protesting against their exclusion from the Chamber in their own right, in consequence of the imposition of invidious distinctions and unfair discriminations. Several members of the Chamber of Princes in their own right have been admitted into the Chamber primarily in consideration of their salutes. Some have received permanent representation in virtue of their enjoying both of these qualifications. In respect of this class of States who constitute the major bulk of the Chamber, the smaller States have nothing to say, but as regards those whose eligibility to permanent representation in the Chamber is based merely on salutes for so-called higher degree of internal autonomy, which in many cases is not at all of a superior order than that possessed by many of the second class States, it is felt that the discrimination is unfair, specially where the absence of salute in the case of some of the smaller States is counterbalanced by greater resources, bigger area and larger population.

Salutes it is submitted should not be the sole criterion or even the principle criterion for individual representation in the Federal Upper House on the analogy of the Chamber constitution. These are more associated with the person or house of the ruler, and they are no index to the character of

the State which is more appropriately represented by other factors such as resources area and population etc

Many second class States as I have submitted, enjoy internal autonomy which is in no way inferior to that enjoyed by the smaller States in the first class and where there exist differences they occur not so much owing to the inherent character of the State or States concerned but to the varying Policies adopted by the different Local Governments in recognising the status and power of the States under them

As a result of the recognition of the existing unfair discriminations between some of the first and second class States in the Chamber, a State was recently promoted from the second class to the first class, and further investigations are being instituted by the Government to ascertain what other States are labouring under a similar injustice and to rectify their anomalous positions In consequence of this enquiry several States of the second class are expected to be accorded their rightful position in the first class These possible promotions have to be kept in view, and bearing in mind the fact that the present strength of 12 representatives of the smaller States which is hardly just or adequate will need enhancement and that representation will have to be provided for the third class group of Fstates I submit that the case for a larger House is obvious

The anomalies in the constitution of the Chamber of Princes are manifest, and their reproduction in the Federal Upper House will be ruinous to the interests and just aspirations of the smaller States Here I wish to point out that whereas the Chamber of Princes is a consultative and advisory body, the Federal Chambers will be legislative bodies while the smaller States could, in the Chamber of Princes endure the injustices embodied in its constitution and its consequences, they can hardly afford to do this in the case of a Legislative Chamber, whose decisions will have a vital and far reaching effect on their interests

However, as the apportionment of seats between the States *inter se* is proposed to be taken up in the first instance by the Chamber I do not propose to expatiate on this subject any further than is necessary to clearly state the present position in regard to the Chamber of Princes and mention the evils its constitution harbours It is possible though very unlikely that a satisfactory solution may be arrived at without the intervention of an outside agency

In connection with the question of vacant seats consequent on the decision of some of the States not to enter the Federation I beg to submit that some of the smaller States are opposed to the idea of the seats allotted to them and remaining vacant being occupied even for the time being by other States or groups of States This may lead to consequences which may be prejudicial to their interests

For the present my claim on behalf of the smaller States would be for a comparatively larger House which would provide the States with 150 seats The Lower House will also need a corresponding increase for the maintenance of the necessary balance between the two Houses and for preventing the constituencies from becoming unmanageable and inconveniently large in their size

November 2nd, 1931

ANNEXURE 19

REPRESENTATION OF THE SMALLER STATES

Memorandum by the Raja of Sarila

I feel it incumbent upon me in the interests of the smaller States, which I have the honour to represent at the Round Table Conference to make known the broad and tentative views held by me and other States in relation to the vexed question of representation in the Federal Legislature

It is a source of satisfaction to us that it was found possible this year to secure representation for the smaller States at the Conference, the exclusion of which on the last occasion was the cause of much misgiving. Now that the proceedings of the last sitting of the Federal Structure Committee have been made available, it is possible to offer an informed criticism from our angle of vision; indeed, since they were published, we have been at pains to give them most careful and thoughtful study. While very desirous of not proving in any way an obstacle in the solution of so delicate a problem, which so largely concerns the future welfare of India as a whole, we must admit that we are equally zealous to secure proper and adequate safeguards for ourselves at a time when sands are shifting so rapidly.

The problem may for convenience be stated under three main heads:—

(1) Classification of the States on the basis of sovereignty;

(2) The means by which the homogeneity of the States might be secured;

(3) The best method of securing an adequate measure of representation for all the States.

It is of interest here to note a fact which, perhaps, is sometimes lost sight of, namely, that many of the so-called smaller States are autonomous in themselves. Disregarding for the purpose of this examination those varieties and complexities of treaties, engagements, and Sanads, which admittedly are difficult of classification, all the States, big and small, in categories now referred to as class I or II, enjoy the same degree of guaranteed security from external interference. The Paramount Power, too, owes them obligations, as it does to those States, larger perhaps, now classified as class I States, or even those in class I, which are smaller than those in class II, which enjoy the right of membership of the Chamber of Princes in their own right. In addition to this the class II States, as they are called, are sovereign in their own territories and have powers of legislation and taxation. Furthermore, some of them are actually held in higher esteem of the Crown than some of those States in classification I, as may easily be discovered by a glance at the provincial list of precedence. The Indian States Committee, over which Sir Harcourt Butler presided, created this distinction to the disappointment of the States not members of the Chamber of Princes. If we look into the history of the States' relations with the Crown and their political significance, we will find that no discrimination or differentiation was suffered from the time, when salutes, the prerogative of the Crown, were fixed in 1858, until such a recent date as 1921, when the Chamber of Princes was inaugurated. At the Chiefs' Conference, held at Delhi in 1919, Lord Chelmsford actually made the observation that, in his own and Mr. Montagu's opinion, "it would be unwise to base upon the salute list, as it stood, any fundamental distinctions between the more important States and the remainder, but, that, owing to the extreme difficulty of defining with precision the full powers of internal administration and the embarrassment which must be caused by applying the test when formulated in individual cases, after all, the wisest course would be to base the distinction primarily on the salute basis". Here then lies the crux of the differentiation which has grown up and created for the smaller States a position historically untenable; this position was grievously aggravated by the Indian States Committee, which made the line of demarcation even wider.

Then there are the anomalies which have crept into the Chamber of Princes as at present organised. The States classified as class II States by the Indian States Committee are 126, of varying size and enjoying different degrees of sovereignty and status. These 126 States have been given 12 representatives in a body composed of 121 members, which obviously is very scanty representation and may almost be said to prove the inadequacy of the present Chamber of Princes as a truly representative body. For example, 32 States of Central India are entitled to one representative only. Besides this disability there is another also, which hinders the smaller States from the enjoyment of the privilege of being represented on the

standing Committee of the Chamber of Pr n s The Cl an be howe t is o ly a con ultat ve body and these l n t t ons do not aff t the s n or States very nater ally but the Feder l Le slature w ll be a d ff r nt k d of organ sation w th greater funct onal capac t es and su l la d a and d q al f cat ons are l kely to p ove a real l ardsh p Th rt n f r p ese tat on oper t e n the Ch ber of Pr s n u t be abando e l and class f at on on the ba of status and sover g ty should be dopted rrespe t ve of salute accord ng to the l t of prece le e Altho gh the p ss b l ty of re og n g or atta n ng equal ty of sovere gn p wers n ay be ren ote it is subm tted that it s with n the scope of pra t al pol t s to assure e qu ty of representat on

There is not the sl ght st doubt that the nterests of the Order of Pr nces of States b g as well as s nall are l o no g neous and there is co mon denom nator of so ere gnty The des re and ne ss ty to safeg ard that so ere gnty s als o nmon and what s des re l is that stre s be la d on th s u n ty of interests and pos t on rather than on the arb trar ly drawn d t nctions wh ch have grow up

As regards (2) I am of the def n te op n on th t it w ll be the be t interests of the States and of Ind a s a whole that the States jo n the Federat on not consecut ely but co lect vely The re o s f vour of th s propo al have been add ed above a l l n l ot fu ther d l to po t l e n What I w nt to e p la se lere the u ty that w u l ake the States one if de eloped on p re an l s ple l s enabl g the p ll t be sol ed nd allow ng the whole order to play a val able part i the s le o of th ng

The smaller State as has be n sa l alre ly l also cler l the l g e

the neans of secur n g un for n ty of representat on of all un ts

The m ans l y wh ch th can be s r l s th t all th States Cl l s ppe nted by those n Class II at pr sent whose stat s c t t s t t be elevate l t th s catego y t th r w th th s l g l l e l r p s tat ve members woul l a t ng t th r b e a l l t s l r a t of na n s pr pared l y th w ole body a l t vote th r s s r t ent t es The l g r States n e l n th s e ent s ff r o p l s ra x t

command the g eatest nu nber of votes Th fact f l l n t a t or smaller State should n su l r m t n s l e r l a l p l s qual ficat on and only th s can the tr y r p sentat v l ra t f t Order be assured In add t on to t s they r g t l s g ara t f a s of perman nt seats wh l wo d ne s ar ly t f l l y p s f n t part cular State or States Th s w ld c re the d r p e tat n the Federal Leg slature wh le t w l at the s e t g r l s f r the s aller States an eq table proport n a d w l create a r l l l l l s a z all the States

The consen of the s aller States to any s l e f Y l at n e r t onal on t e r s n g th s eq ty f r p res at n r at least the ad p t on of these pr nciples s beta t s y

I have set out t s v ews f r s a s e a l s ng m l e s of the smaller States ar l f r t m l t e w l ar t s d n t e categor es d scussed a ore I s ake l l t p f m s ste e s e a l and the fu lest degree of representat n m s y t t nal p

to be adopted for all collectively We are eager to maintain the individuality of the Estates as well and would not like them to be grouped with any big State or with British India in any manner that would efface their individuality, and there would probably be no objection to these very small Estates being also given a measure of representation.

I am sure that these views will sound a sympathetic chord in the hearts of my fellow delegates at the Round Table Conference both from the Indian States and British India and that the justice of our claims will be recognised by all concerned

14th October, 1931

ANNEXURE 20

NOTE ON THE POSITION OF THE SUBJECTS OF INDIAN STATES IN THE FUTURE CONSTITUTION OF INDIA

By Diwan Bahadur M Ramachandra Rao.

In the Third Report of the Federal Structure Committee an attempt has been made to fill in the outline of the Federal Constitution for Greater India sketched in the Second Report of the sub-Committee dated 15th January, 1931 In a consideration of this Report, I should like to invite the attention of the members of this Conference to a matter of fundamental importance The sub-committee did not give any attention to the position of the people of the Indian States in the new constitution and the necessary safeguards for protecting their rights and liberties In a memorandum which was circulated by me during the sittings, of the First Session of the India Round Table Conference (printed at pages 183—186 of the Report of the Minorities sub Committee), I drew the attention of the Conference to this subject and contended that a Federal Constitution for the whole of India must materially affect the status and position of the people of the Indian States I also suggested that the rights and obligations of the citizens of the Federating States and of British Indian Provinces to the new Federal Government of United India should be carefully examined and clearly defined, and that certain fundamental rights should be embodied in the constitution and also that the necessary judicial machinery fo enforcing these rights should be set up. During the Plenary Session the Conference held in January last, I also pressed upon the attention the Conference the desirability of making provision for the representati of the people of the States in the Federal Legislature of the future, a suggested ways and means for the purpose Their Highnesses Maharajahs of Bikaner and Kashmir, and His Highness the Nawab Bhopal were pleased to make certain observations in their speeches January last to the effect that fundamental rights were already possessed the people of their States, and nothing was dearer of their hearts than take care of the interests of their own people As regards representation the Federal Legislature the Report of the Federal Structure sub-Comm dated 15th January, 1931, expressly stated that the selection of the re sentatives of the Indian States in the future Indian Legislature was enti a matter for the rulers of the States The suggestion made by me du the Plenary Session that the people of the States should be represente the Legislatures by some method of election did not elicit any response the members of the Indian States Delegation

2. I venture, therefore to again invite the attention of the m of the Conference to the fact that the Federal Constitution for Ind set out in the present Report, has been framed without the represent of the people of the Indian States being heard in regard to the constitutional structure proposed therein It cannot be seriously cont that the people of the Indian States have no interest or should h voice in the evolution of a new constitutional tie between British Indi

the Indian States based upon the federal pr nc ple F ery M nor ty Com m nity however small belong ng to Br t l In l a has leen r presented at tl s Conferen e and t is mo t nfo t nate that tle Br t h Co ernment and the Government of Ind a lould not h ve n l prov s on for tle repr entat on of se enty m l on people of the In l an Stat at tl s Conf r ence and that tle r presentat ve of tle people of tle Ind n St tes lave not leen pl cel n a po t on to rge tl er own e at t s Conferen e Fro the po nt of v ew of Br t sl In l t s e ally es e t l that tle new federal const tut on lo ll le set p n tl tle g neral good l an l con rrence of tle peopl of all t e felerat ng un ts Moreover tle members of the Feder l Structure sub-Committee who are p rt es to the Se on l Re rt expres ed tle op n on that tl eir Report left open many po nts h l ave to le settled after pul l c op n on in Ind a h s hal a oppor t ty of expres ng t lf upon tl em n order tl at tle con plete l const tu t on n ay be b ed on tle large t me s re of p bl c approval n Ind a nt tl t I sho ld inv te tle atte n on as has fo nd expression among rd to tle new onst t tonal str c Comm ttee During tle la t few months se eral meet ng of tle people of tle In l an St te lave been l eld in var ou parts of tle co ntr an l resol t ons lave l en p s ed in rep e sentat ve conferences as to lo tle people of the St tes lo ld le protected n a ew con t t t on I beg to nv te tle ttent on of tl s Conference spe all to tle re ol t on p ssed at t e Tl rd Se n of tle Ind n State People C nfer n e l l at Bonl ay on tle 9th 10tl and 11th J ne 1931 In nv t ng tle tt nt on of tle Conferen e to th s resolut on I lo ll ot be n l r tool s l ng n f or of e er ne of tle pro o al lolel tler in As s e te l n r men or n l n e l tel d r ng tle f rst Ses on of tl s Conference an l also n ny spee le at tle Plenary Confer ence I b g to urge th t t v ll te n s r to le pro on f r tle follow ng —

(1) Feleral c t zensh p an l f n lamental r ghts f r tle peopl of the States to be emlolel n tle new con t t t on

(2) Feleral ul c al ma l n t b l l n tl on t t t to protect tle f ndan n l gl f t tl St t

(3) Rep e ent t n of tle p l t St t s t l n one of the Houses of tle Feleral Le s t e preferall tle l r Ho e by some sy ten of d rect ele t on

(4) Tle l nk n p of tle ud c ary n tle In l an States w tl the Federal S preme Court

3 F ery m nor ty comm n ty n Br l In l a has pre l at th s Confer ence tl t erta n f n lament l r ghts ho ld le p ov ded in the ne v con t t t on n regarl to safeg arl g tl p st n If t s ne es ry to emlod the r ghts n the new o t t t f n r t n Br t sl In l a t w ll l even ore ne e r t f l tl lt an l l ert s of tle p ople of the Ind an l le l t z n l s a tent e of all feler l con t t t ons an l the p pl o t e Inl n St te well as of Br t h In l a lo ll ha tl r c t z n l r l ts g r nteed l y tl law of tle on t t t on Tl e e f n l n t l r lt lave l en l d n my m n g and m r f rrel to l ve nd l l n tle tt n of the M nor t e C mm ttee an l of tle Feleral St t r C tt Tl Tl l l epo t f tle F ler l Str t re C tte l t l n r f r t tle p o t o of tle p o l of tl St te n l tl n t t t n As re r l f l r l y l e a l n l n r t t l a f tl I rt of tl F l ral St t re Comm tte l tl r tl S l e e C t o ll t r n e of tle v ol t on of a of tle f n l n nt l r l t tl r e l l n tle on t t t o It n r t l tl t t l e r If tle f l n tal r l ts of n y s l e t f n l l St t r ol t l l tle exe t tl o t of tl t St t l t w t n l l l l lo l l f l l n r rt to tle S p r l l l C t r rl tl tl sl of sel t n of St t r p r t t tl I n r Cl l r t l ar that t

is a matter of the utmost importance to the Federation as a whole, and British India is as much interested as the people of the States that a proper constitution based upon a system of popular election should be devised by the States in sending their representatives to the Lower Chamber. Looking to the state of public feeling in India, nothing less than a system of direct election would prove acceptable and satisfactory to the people of the Indian States, as also to the people of British India. If a system of election is introduced in the States, there is no reason to doubt that the people of the Indian States will identify themselves with their Rulers in regard to all matters coming before the Federal Legislature, as local sentiment and loyalty to the Rulers are still very strong in the States.

It is to be hoped that the Rulers of the Indian States and their Ministers present at this Conference will secure the hearty co-operation and goodwill of their own people by making a" necessary concessions for the recognition of their rights and liberties, and to satisfy their legitimate aspirations in the working of the new constitution.

19th November, 1931.